

**THE COLLECTIVE PROCEEDINGS REGIME**

under the

**COMPETITION ACT 1998**

**CASE MAP**

*compiled and copyrighted by:*

**Prof. Rachael Mulheron QC (Hon)**

*Professor of Tort Law and Civil Justice  
Queen Mary University of London*

**Version: as at 10 July 2022**

## 1. Gibson v Pride Mobility Products Ltd

<i>Filing date</i>	25 May 2016
<i>Number of class members estimated by the representative claimant at the outset</i>	Not stated
<i>Type of claim</i>	Follow-on collective proceedings under s 47B
<i>What the grievance is about</i>	Re agreements and practices by which the defendant and eight retailers aimed at prohibiting the online advertising of prices for certain models of Pride mobility scooters below Pride's recommended retail prices, and by which it was alleged that these infringements and common practices were effective in raising prices for consumers who purchased mobility scooters
<i>The representative claimant/s</i>	Dorothy Gibson – not a member of the class
<i>Opt-in or opt-out?</i>	Opt-out collective proceedings were sought
<i>Third party funded</i>	By Burford Capital (UK) Ltd
<i>Solicitors acting for the representative claimant</i>	Leigh Day LLP
<i>Certification status</i>	Application for a collective proceedings order was adjourned on 31 March 2017 following a full hearing, in order to provide the representative claimant an opportunity to file and serve an amended claim for reasons arising from the judgment; subsequently, the claim for a CPO was withdrawn on 25 May 2017
<i>Important interlocutory substantive judgments arising (in ascending chronological order)</i>	<i>Gibson v Pride Mobility Products Ltd</i> [2017] CAT 9 ★ CPO judgment, with consideration of the purpose of the new regime (the first occasion upon which it had been judicially considered), of the requisite relationship between the scope of the class definition and the original infringement decision, and of various certification criteria stipulated under the regime
<i>Outcome: settlement approval or judgment or other</i>	Withdrawn

## 2. Merricks v Mastercard Inc

<i>Filing date</i>	8 September 2016
<i>Number of class members estimated by the representative claimant at the outset</i>	46.2 million
<i>Type of claim</i>	Follow-on collective proceedings under s 47B
<i>What the grievance is about</i>	Re infringements by the MasterCard entities by, in effect, setting a minimum price which merchants had to pay to their acquiring bank for accepting payment cards in the EEA, by means of the Intra-EEA fallback interchange fees for MasterCard branded consumer credit and charge cards and for MasterCard or Maestro branded debit cards
<i>The representative claimant/s</i>	Walter Hugh Merricks CBE – a member of the class
<i>Opt-in or opt-out?</i>	Opt-out collective proceedings were sought
<i>Third party funded</i>	Originally funded by Burford (Capital) UK Ltd; and on and from the CA proceedings, funded by Innsworth Capital
<i>Solicitors acting for the representative claimant</i>	originally: Quinn Emanuel Urquhart & Sullivan UK LLP; now: Willkie Farr & Gallagher (UK) LLP
<i>Certification status</i>	<ul style="list-style-type: none"> <li>★ The application for a collective proceedings order was refused by the CAT on 21 July 2017, on the basis that the claims were not suitable to be brought as collective proceedings;</li> <li>★ that refusal was appealed to the Court of Appeal, the appeal was allowed, and the matter was remitted to the CAT for re-hearing of the CPO application;</li> <li>★ on further appeal to the Supreme Court, that Court (by majority) agreed with the Court of Appeal that the application for a CPO should be remitted to the CAT for re-hearing;</li> <li>★ on remittal, the CAT reconsidered the matter and granted a CPO on 18 August 2021, on an opt-out basis for UK-domiciled class members, and with foreign-domiciled class members permitted on an opt-in basis;</li> <li>★ the formal order for the CPO was granted on 18 May 2022</li> </ul>

<p><b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b></p>	<p><i>Merricks v Mastercard Inc</i> [2017] CAT 16:  ★ CPO judgment, with consideration of the certification requirements applying under the collective proceedings regime, and of the meaning of the phrase, ‘costs and expenses’ contained in s 47C(6)</p> <p><i>Merricks v Mastercard Inc</i> [2019] EWCA Civ 674:  ★ the first appellate consideration of the certification requirements applying under the collective proceedings regime, and in particular, of the aggregate award of damages provision in s 47C(2), and of distribution of damages to class members</p> <p><i>Merricks v Mastercard Inc</i> [2020] UKSC 51:  ★ the first Supreme Court consideration of the matters considered by the Court of Appeal</p> <p><i>Merricks v Mastercard Inc</i> [2021] CAT 28:  ★ CPO judgment, after reconsideration of the certification requirements via a further CPO hearing</p> <p><i>Merricks v Mastercard Inc</i> [2022] CAT 13:  ★ consideration of how the domicile date in the CPO should be set in respect of opt-out proceedings</p> <p><i>Merricks v Mastercard Inc</i> [2022] CAT 19:  ★ permission to appeal in respect of the domicile date issue refused</p> <p><i>Merricks v Mastercard Inc</i> (CA, 4 Jul 2022)  ★ permission to appeal in respect of the domicile date issue granted (via case tracker notation)</p> <p><i>Re the Merchant Interchange Fee Umbrella Proceedings</i> [2022] CAT 31 (6 July 2022):  ★ the purpose of this judgment was to set out how the issue of pass on will be dealt with by the CAT (including in <i>Merricks v Mastercard Inc</i>), in order for the parties to have a clear understanding of what evidence they must adduce in order for the CAT to resolve questions of pass-on to the consumer class which is the subject of that collective proceedings claim</p>
<p><b><i>Outcome: settlement approval or judgment or other</i></b></p>	<p>–</p>

### 3. UK Trucks Claim Ltd v Fiat Chrysler Automobiles NV

<i>Filing date</i>	18 May 2018
<i>Number of class members estimated by the representative claimant at the outset</i>	Not stated
<i>Type of claim</i>	Follow-on collective proceedings under s 47B
<i>What the grievance is about</i>	Re infringements by the defendants, by entering into arrangements for colluding on pricing and gross price increases in the EEA for medium and heavy trucks; re the timing for the introduction of emission technologies for medium and heavy trucks required by European emissions standards; and for the passing on to customers of the costs for such emission technologies
<i>The representative claimant/s</i>	UK Trucks Claim Ltd – a special purpose vehicle (SPV) and company limited by guarantee, established for the purpose of making the application for a collective proceedings and for bringing the claim
<i>Opt-in or opt-out?</i>	Opt-out collective proceedings were sought (the Claim Form did mention opt-in proceedings as a back-up alternative, but this was not vigorously pursued at the CPO hearing)
<i>Third party funded</i>	By Yarcombe Ltd
<i>Solicitors acting for the representative claimant</i>	Weightmans LLP
<i>Certification status</i>	The applications for a CPO made in this case, and in Case # 4 below, were directed by the CAT to be heard together. The CAT gave judgment on 8 June 2022, disallowing the UKTC claim to proceed on an opt-out basis, but permitting the CPO application by Road Haulage Association to proceed on an opt-in basis

<b>Important interlocutory substantive judgments arising (in ascending chronological order)</b>	<p><i>UK Trucks Ltd v Fiat Chrysler Automobiles NV</i> [2019] CAT 26:</p> <ul style="list-style-type: none"> <li>★ as a preliminary issue, consideration of whether the litigation funding agreements (LFAs) between representative claimant and funder constituted damages based agreements (DBAs) for the purpose of the relevant statutory regulation and were therefore unenforceable and unlawful;</li> <li>★ consideration of the nature and adequacy of the funding arrangements</li> </ul> <p><i>UK Trucks Ltd v Fiat Chrysler Automobiles NV</i> [2019] CAT 28:</p> <ul style="list-style-type: none"> <li>★ consideration of whether permission to appeal should be granted in respect of the firstmentioned preliminary issue</li> </ul> <p><i>Paccar Inc v Road Haulage Association Ltd</i> [2021] EWCA Civ 299:</p> <ul style="list-style-type: none"> <li>★ judicial review undertaken by the court (sitting as a Divisional Court of the Queen’s Bench Division) of whether LFAs were DBAs (concluding that they are not);</li> </ul> <p><i>Paccar Inc v Competition Appeal Tribunal</i> (SC, 28 April 2022);</p> <ul style="list-style-type: none"> <li>★ permission to appeal from the decision of the Divisional Court granted (hearing yet to be listed)</li> </ul>
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<b>Outcome: settlement approval or judgment or other</b>	–
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<b>4. Road Haulage Assn v Man SE</b>
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<b>Filing date</b>	17 July 2018
<b>Number of class members estimated by the representative claimant at the outset</b>	3,500 signed up, with interest registered from a further 700, and more likely
<b>Type of claim</b>	Follow-on collective proceedings under s 47B
<b>What the grievance is about</b>	Re that the defendants and other European truck manufacturers engaged in a single and continuous infringement comprising collusive arrangements on pricing and gross price increases in the EEA, as well as collusive arrangements on the timing and passing on of costs for the introduction of emission technologies for relevant trucks required by European standards
<b>The representative claimant/s</b>	Road Haulage Association Ltd – not a member of the class

<b><i>Opt-in or opt-out?</i></b>	Opt-in collective proceedings were sought
<b><i>Third party funded</i></b>	By Therium Litigation Funding IC
<b><i>Solicitors acting for the representative claimant</i></b>	Backhouse Jones Solicitors and Addleshaw Goddard LLP
<b><i>Certification status</i></b>	The applications for a CPO made in this case, and in Case #3 above, were directed by the CAT to be heard together. The CAT gave judgment on 8 June 2022, permitting the Road Haulage Association claim to proceed on an opt-in basis, but disallowing the UKTC claim to proceed on an opt-out basis
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	As for Case #3 above
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

## **5. Gutmann v First MTR South Western Trains Ltd**

<b><i>Filing date</i></b>	27 February 2019
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	2 million
<b><i>Type of claim</i></b>	Stand-alone collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re allegations that rail passengers who hold Transport for London (TfL) zonal tickets (Travelcards) have been effectively compelled by circumstances in the control of the defendant railway operators First MTR South Western Trains and Stagecoach South Western Trains to pay twice for parts of rail journeys which overlapped with the zone of validity of their Travelcards
<b><i>The representative claimant/s</i></b>	Justin Gutmann – not a member of the class
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought
<b><i>Third party funded</i></b>	By Woodsford Litigation Funding Ltd
<b><i>Solicitors acting for the representative claimant</i></b>	Charles Lyndon Ltd and Hausfeld & Co LLP

<b><i>Certification status</i></b>	A collective proceedings order was granted 18 January 2022, on an opt-out basis for UK-domiciled class members, and with foreign-domiciled class members permitted on an opt-in basis, following judgment on the CPO application on 19 October 2021 (decided together with the CPO application in Case #6 below at the CAT's direction)
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	<p><i>Gutmann v First MTR South Western Trains Ltd</i> [2021] CAT 31 ★ CPO judgment, with consideration of the certification requirements applying under the collective proceedings regime</p> <p><i>Gutmann v First MTR South Western Trains Ltd</i> [2021] CAT 36 ★ permission to appeal against the grant of a CPO refused, with consideration of principles governing proof of causation and loss, the merits threshold for opt-out collective proceedings, and certification criteria</p> <p><i>Gutmann v First MTR South Western Trains Ltd</i> (CA, 4 Feb 2022) ★ permission to appeal in respect of the matters the subject of [2021] CAT 36 granted; judgment presently reserved (via case tracker notation)</p>
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

## 6. Gutmann v London & South Eastern Railway Ltd

<b><i>Filing date</i></b>	27 February 2019
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	890,000
<b><i>Type of claim</i></b>	Stand-alone collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re allegations that rail passengers who hold Transport for London (TfL) zonal tickets (Travelcards) have been effectively compelled by circumstances in the control of the defendant railway operator London & South Eastern Railway to pay twice for parts of rail journeys which overlapped with the zone of validity of their Travelcards
<b><i>The representative claimant/s</i></b>	Justin Gutmann – not a class member
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought
<b><i>Third party funded</i></b>	By Woodsford Litigation Funding Ltd

<b><i>Solicitors acting for the representative claimant</i></b>	Charles Lyndon Ltd and Hausfeld & Co LLP
<b><i>Certification status</i></b>	A collective proceedings order was granted on 18 January 2022, on an opt-out basis for UK-domiciled class members, and with foreign-domiciled class members permitted on an opt-in basis, following judgment on the CPO application on 19 October 2021 (decided together with the CPO application in Case #5 above at the CAT's direction)
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	As for Case #5 above
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

## 7. Michael O'Higgins FX Class Representative Ltd v Barclays Bank plc

<b><i>Filing date</i></b>	29 July 2019
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	Not stated
<b><i>Type of claim</i></b>	Follow-on collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re two cartels concerning a single and continuous infringement in foreign exchange spot trading of a group of currencies known as the G10 Currencies, including the exchange of commercially sensitive information about trading activities in relation to foreign exchange (FX) spot trading, and coordination of trading activities through private chatrooms
<b><i>The representative claimant/s</i></b>	Michael O'Higgins FX Class Representative Ltd – incorporated as a special purpose vehicle for the sole purpose of acting as the class representative in these proposed collective proceedings
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought
<b><i>Third party funded</i></b>	By Therium Litigation Finance Atlas AFP IC
<b><i>Solicitors acting for the representative claimant</i></b>	Scott+Scott Europe LLP

<b><i>Certification status</i></b>	Judgment on the CPO application was delivered on 31 March 2022, with the CAT refusing to certify the collective proceedings on an opt-out basis, and providing the class representative with a further opportunity to consider making a CPO application on an opt-in basis (this CPO application was heard together with that in Case #8 below, at the CAT’s direction)
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	<p><i>Michael O’Higgins FX Class Representative Ltd v Barclays Bank plc</i> [2020] CAT 9</p> <ul style="list-style-type: none"> <li>★ the principles governing carriage disputes</li> </ul> <p><i>Michael O’Higgins FX Class Representative Ltd v Barclays Bank plc</i> [2022] CAT 16 (2:1 decision, with Member Lomas dissenting on the opt-in approach favoured by the majority, Sir Marcus Smith and Professor Neuberger)</p> <ul style="list-style-type: none"> <li>★ consideration of the certification requirements applying under the collective proceedings regime, of the choice as between opt-in and opt-out collective proceedings;</li> <li>★ detailed consideration and application of the principles governing, and the timing of, carriage disputes</li> </ul>
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

**8. Evans v Barclays Bank plc**

<b><i>Filing date</i></b>	11 December 2019
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	Not stated
<b><i>Type of claim</i></b>	Follow-on collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re two cartels concerning a single and continuous infringement in foreign exchange spot trading of a group of currencies known as the G10 Currencies, including the exchange of commercially sensitive information about trading activities in relation to foreign exchange (FX) spot trading, and coordination of trading activities through private chatrooms
<b><i>The representative claimant/s</i></b>	Phillip Evans – not a member of the class
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought

<i>Third party funded</i>	By Donnybrook Guernsey Ltd
<i>Solicitors acting for the representative claimant</i>	Hausfeld & Co LLP
<i>Certification status</i>	Judgment on the CPO application was delivered on 31 March 2022, refusing to certify the collective proceedings on an opt-out basis, and providing the class representative with a further opportunity to consider making a CPO application on an opt-in basis (this CPO application was heard together with that in Case #7 above, at the CAT's direction)
<i>Important interlocutory substantive judgments arising (in ascending chronological order)</i>	As for Case #7 above
<i>Outcome: settlement approval or judgment or other</i>	–

## 9. Mark McLaren Class Representative Ltd v MOL (Europe Africa) Ltd

<i>Filing date</i>	20 February 2020
<i>Number of class members estimated by the representative claimant at the outset</i>	Not stated
<i>Type of claim</i>	Follow-on collective proceedings under s 47B
<i>What the grievance is about</i>	Re a cartel in the market for deep sea carriage services on route to and/or from the European Economic Area, as a result of which class members who purchased or financed in the UK new cars or light-medium weight commercial vehicles were required to pay an unlawfully inflated delivery charge in respect of those vehicles as a consequence of the defendants' anti-competitive conduct
<i>The representative claimant/s</i>	Mark McLaren Class Representative Ltd – incorporated as a special purpose vehicle for the sole purpose of acting as the class representative in these proposed collective proceedings
<i>Opt-in or opt-out?</i>	Opt-out collective proceedings were sought for the domestic class; and opt-in collective proceedings were sought for the foreign-domiciled class
<i>Third party funded</i>	By Woodsford Litigation Funding Ltd

<b><i>Solicitors acting for the representative claimant</i></b>	Scott+Scott UK LLP
<b><i>Certification status</i></b>	A collective proceedings order was granted 20 May 2022, on an opt-out basis for the domestic class, and with foreign-domiciled class members permitted on an opt-in basis, following judgment on the CPO application on 18 February 2022
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	<p><i>Mark McLaren Class Representative Ltd v MOL (Europe Africa) Ltd</i> (CAT, 13 July 2020) ★ method of serving out of jurisdiction</p> <p><i>Mark McLaren Class Representative Ltd v MOL (Europe Africa) Ltd</i> [2022] CAT 10 ★ CPO judgment, with consideration of the certification requirements applying under the collective proceedings regime</p> <p><i>Mark McLaren Class Representative Ltd v MOL (Europe Africa) Ltd</i> (CA, 4 Jul 2022) ★ permission to appeal in respect of the CPO judgment granted (via case tracker notation)</p>
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

## 10. Le Patourel v BT Group plc

<b><i>Filing date</i></b>	15 January 2021
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	2.31 million
<b><i>Type of claim</i></b>	Stand-alone collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re allegations that BT Group has abused its dominant position in two telecommunications markets by imposing unfair prices, and that the prices charged by BT for standalone residential landline telephone services were above the competitive level, thereby causing consumer detriment
<b><i>The representative claimant/s</i></b>	Justin Le Patourel – not a member of the class
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought

<b><i>Third party funded</i></b>	By Harbour Litigation Funding Ltd
<b><i>Solicitors acting for the representative claimant</i></b>	Mishcon de Reya LLP
<b><i>Certification status</i></b>	A collective proceedings order was granted on 19 October 2021, on an opt-out basis, following judgment on the CPO application on 27 September 2021
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	<p><i>BT Group plc v Le Patourel</i> [2021] CAT 30</p> <p>★ CPO judgment, with consideration of the certification requirements applying under the collective proceedings regime</p> <p><i>BT Group plc v Le Patourel</i> [2022] EWCA Civ 593 (6 May 2022)</p> <p>★ appeal against the grant of certification dismissed, with consideration of the certification requirements, and of the opt-in versus opt-out choice of class formation</p>
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

## 11. Consumers' Assn v Qualcomm Inc

<b><i>Filing date</i></b>	18 February 2021
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	29 million
<b><i>Type of claim</i></b>	Stand-alone collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re allegations that the proposed defendant has leveraged its dominant position in the supply of chipsets to force Apple and Samsung smartphone manufacturers across the industry to pay supra-competitive royalties for the defendant's patents, and has refused to licence any rival chipset manufacturers under its patents
<b><i>The representative claimant/s</i></b>	Which? (Consumers' Association) – not a member of the class
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought for the domestic class; and opt-in collective proceedings were sought for the foreign-domiciled class
<b><i>Third party funded</i></b>	By Augusta Pool 1 Ltd

<b><i>Solicitors acting for the representative claimant</i></b>	Hausfeld & Co LLP
<b><i>Certification status</i></b>	A collective proceedings order was granted on 4 July 2022, on an opt-out basis for the domestic class, and on an opt-in basis for the foreign-domiciled class, following judgment on the CPO application on 17 May 2022
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	<p><i>Consumers' Association v Qualcomm Inc</i> (CAT, 15 March 2021)</p> <ul style="list-style-type: none"> <li>★ principles governing service out of the jurisdiction</li> </ul> <p><i>Consumers' Association v Qualcomm Inc</i> [2022] CAT 20</p> <ul style="list-style-type: none"> <li>★ CPO judgment, with consideration of the certification requirements applying under the collective proceedings regime</li> </ul>
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

## 12. Kent v Apple Inc

<b><i>Filing date</i></b>	11 May 2021
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	19.6 million
<b><i>Type of claim</i></b>	Stand-alone collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re allegations that Apple occupies a dominant position in the market for the distribution of iOS apps to iOS device (iPhone and iPad) users, and that Apple has abused its dominant positions by requiring payments for purchases of an iOS App in the App Store to be made only by using the App Store Payment Processing System (ASPPS) and by charging a commission on those purchases
<b><i>The representative claimant/s</i></b>	Dr Rachael Kent – a member of the class
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought for the domestic class; and opt-in collective proceedings were sought for the foreign-domiciled class
<b><i>Third party funded</i></b>	By Vannin Capital PCC
<b><i>Solicitors acting for the representative claimant</i></b>	Hausfeld & Co LLP

<b><i>Certification status</i></b>	A collective proceedings order was granted 2 June 2022, on an opt-out basis for the domestic class, and on an opt-in basis for the foreign-domiciled class
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	<p><i>Kent v Apple Inc</i> [2021] CAT 37</p> <p>★ principles governing whether the proposed class representative is obliged to disclose details of the funding and ATE insurance arrangements which support the bringing of the collective proceedings</p> <p><i>Kent v Apple</i> [2022] CAT 28</p> <p>★ CPO judgment, with consideration of the certification requirements applying under the collective proceedings regime</p>
<b><i>Outcome: settlement approval or judgment or other</i></b>	–
<b>13. Boyle v Govia Thameslink Railway Ltd</b>	
<b><i>Filing date</i></b>	10 June 2021
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	at least one million
<b><i>Type of claim</i></b>	Stand-alone collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re allegations that rail operator GTR is dominant on the applicable point-to-point routes on which it operates trains on the London to Brighton mainline outside TfL Travelcard Zones 1-6, and that rail passengers were overcharged for trips undertaken in which passengers used Oyster Pay As You Go or other contactless payment cards or were excluded from buying cheaper fares
<b><i>The representative claimant/s</i></b>	David Courtney Boyle and Edward John Vermeer – members of the class
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought
<b><i>Third party funded</i></b>	By LCM Funding UK Ltd
<b><i>Solicitors acting for the representative claimant</i></b>	Maitland Walker LLP
<b><i>Certification status</i></b>	Awaiting (CPO application hearing scheduled 13 Jul 2022)

<b>Important interlocutory substantive judgments arising (in ascending chronological order)</b>	<i>Boyle v Govia Thameslink Railway Ltd</i> [2021] CAT 38 ★ principles governing a stay of proceedings, and governing the right to intervene in collective proceedings
<b>Outcome: settlement approval or judgment or other</b>	–

**14. Coll v Alphabet Inc**

<b>Filing date</b>	29 July 2021
<b>Number of class members estimated by the representative claimant at the outset</b>	19.5 million
<b>Type of claim</b>	Stand-alone collective proceedings under s 47B
<b>What the grievance is about</b>	Re allegations that Google occupies a dominant position in the market for the licensing of smart mobile operating systems and the market for the distribution of Android apps to Android device users, and that Google has abused its dominant positions by bundling the Google Play Store in the UK with other important apps so that smart mobile device manufacturers who wish to pre-install such apps on their devices have no choice but to install and prominently display the Google Play Store
<b>The representative claimant/s</b>	Elizabeth Helen Coll – a member of the class
<b>Opt-in or opt-out?</b>	Opt-out collective proceedings were sought for the domestic class; and opt-in collective proceedings were sought for the foreign-domiciled class
<b>Third party funded</b>	By Vannin Capital PCC
<b>Solicitors acting for the representative claimant</b>	Hausfeld & Co LLP
<b>Certification status</b>	Awaiting (CPO application hearing scheduled 18 July 2022)

<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	<p><i>Coll v Alphabet Inc</i> (CAT, 29 Sep 2021)</p> <ul style="list-style-type: none"> <li>★ principles governing service out of jurisdiction</li> </ul> <p><i>Coll v Alphabet Inc</i> [2022] CAT 6</p> <ul style="list-style-type: none"> <li>★ principles governing whether the proposed class representative is obliged to disclose details of the funding and ATE insurance arrangements which support the bringing of the collective proceedings</li> </ul>
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

**15. Home Insurance Consumer Action Ltd v BGL (Holdings) Ltd**

<b><i>Filing date</i></b>	1 Nov 2021 – details of the CPO application are being withheld from publication until service of the CPO application, for which the time for service has been extended
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	> 20 million
<b><i>Type of claim</i></b>	Follow-on collective proceedings under s 47B – progress is awaiting the outcome of ComparetheMarket.com’s appeal against a finding of infringement by the Competition and Markets Authority
<b><i>What the grievance is about</i></b>	Re an infringement finding that ComparetheMarket used unlawful clauses in its contracts with certain home insurers, which had the effect of reducing competition between price comparison websites and between insurers listing on those websites
<b><i>The representative claimant/s</i></b>	Home Insurance Consumer Action – a special purpose vehicle (SPV) established for the purpose of making the application for a collective proceedings and for bringing the claim
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings will be sought, if/when the claim progresses
<b><i>Third party funded</i></b>	By Augusta Ventures
<b><i>Solicitors acting for the representative claimant</i></b>	Hausfeld & Co LLP
<b><i>Certification status</i></b>	Awaiting

<i>Important interlocutory substantive judgments arising (in ascending chronological order)</i>	–
<i>Outcome: settlement approval or judgment or other</i>	–
<b>16. Gutmann v Govia Thameslink Railway Ltd</b>	
<i>Filing date</i>	24 November 2021
<i>Number of class members estimated by the representative claimant at the outset</i>	10.4 million
<i>Type of claim</i>	Stand-alone collective proceedings under s 47B
<i>What the grievance is about</i>	Re allegations that, as an undertaking in a dominant position, the proposed defendant railway operators have a responsibility to ensure that rail passengers are not subjected to unfair prices or unfair trading conditions – including a responsibility to avoid rail passengers being compelled to pay a second time for a part of the service for which they already hold a valid ticket (a TfL zonal Travelcard), especially when a proposed defendant receives a share of the revenue from the sale of Travelcards under an agreement with TfL
<i>The representative claimant/s</i>	Justin Gutmann – not a member of the class
<i>Opt-in or opt-out?</i>	Opt-out collective proceedings were sought
<i>Third party funded</i>	By Woodsford Litigation Funding Ltd
<i>Solicitors acting for the representative claimant</i>	Charles Lyndon Ltd and Hausfeld & Co LLP
<i>Certification status</i>	Application for a CPO stayed, pending decisions on CPOs in Cases #5 and #6 above
<i>Important interlocutory substantive judgments arising (in ascending chronological order)</i>	–

<b><i>Outcome: settlement approval or judgment or other</i></b>	–
<b>17. Gormsen v Meta Platforms Inc</b>	
<b><i>Filing date</i></b>	14 February 2022
<b><i>Number of class members estimated by the representative claimant at the outset</i></b>	45 million
<b><i>Type of claim</i></b>	Stand-alone collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re allegations that Facebook occupies a dominant position in the Personal Social Network Market or in the Social Media Market, and that Facebook abused its dominant position, through the imposition of its terms and conditions, by imposing unfair terms, prices and/or other trading conditions on its users
<b><i>The representative claimant/s</i></b>	Dr Liza Lovdahl Gormsen – specifically excluded from the proposed class
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought for the domestic class; and the proposed class definition did not provide for foreign-domiciled class members to opt-in ‘to avoid disproportionate administrative difficulties and costs’
<b><i>Third party funded</i></b>	By Innsworth Capital
<b><i>Solicitors acting for the representative claimant</i></b>	Quinn Emanuel Urquhart & Sullivan
<b><i>Certification status</i></b>	Awaiting
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	<i>Gormsen v Meta Platforms Inc</i> (CAT, 15 Mar 2022) ★ principles governing service out of jurisdiction
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

## 18. Sciallis v Fender Musical Instruments Europe Ltd

<i>Filing date</i>	21 March 2022
<i>Number of class members estimated by the representative claimant at the outset</i>	‘several million claimants’
<i>Type of claim</i>	Principally follow-on collective proceedings under s 47B, also including a number of stand-alone claims too
<i>What the grievance is about</i>	Re online resale price maintenance in the electric and acoustic guitar sector
<i>The representative claimant/s</i>	Elisabetta Sciallis – not a member of the class
<i>Opt-in or opt-out?</i>	Opt-out collective proceedings were sought for the domestic class; and opt-in collective proceedings were sought for the foreign-domiciled class
<i>Third party funded</i>	By North Wall Capital LLC
<i>Solicitors acting for the representative claimant</i>	PGMBM Law Ltd
<i>Certification status</i>	Awaiting
<i>Important interlocutory substantive judgments arising (in ascending chronological order)</i>	<i>Sciallis v Fender Musical Instruments Europe Ltd</i> (CAT, 17 Jun 2022) ★ principles governing service out of jurisdiction
<i>Outcome: settlement approval or judgment or other</i>	–

## 19. Spottiswoode v Nexans France SAS

<i>Filing date</i>	10 May 2022
<i>Number of class members estimated by the representative claimant at the outset</i>	Not stated

<b><i>Type of claim</i></b>	Follow-on collective proceedings under s 47B
<b><i>What the grievance is about</i></b>	Re an unlawful cartel concerning the high-voltage underground and submarine power cables market 1999–2009
<b><i>The representative claimant/s – member of the class?</i></b>	Clare Mary Joan Spottiswoode CBE – a member of the class
<b><i>Opt-in or opt-out?</i></b>	Opt-out collective proceedings were sought for the domestic class; and opt-in collective proceedings were sought for the foreign-domiciled class
<b><i>Third party funded</i></b>	By Burford Capital
<b><i>Solicitors acting for the representative claimant</i></b>	Scott+Scott UK LLP
<b><i>Certification status</i></b>	Awaiting
<b><i>Important interlocutory substantive judgments arising (in ascending chronological order)</i></b>	–
<b><i>Outcome: settlement approval or judgment or other</i></b>	–

[The table will be added to, as and when more cases are filed].

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