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EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondent

Mr K Cullen

H P White & Co Ltd

PRELIMINARY HEARING

HELD AT London South ON 24 April 2017

BEFORE: EMPLOYMENT JUDGE HALL-SMITH

Appearances

For Claimant: Mr S Margo, Counsel

For Respondent: Mr M Curtis, Counsel

UPON HEARING Mr S Margo, Counsel, on behalf of the Claimant and Mr M Curtis, Counsel, on behalf of the Respondent, I issued the following Judgment and made the subsequent Orders/Directions.

JUDGMENT

The Respondent is ordered to pay the Claimant costs in the sum of **£900 (£750 + VAT of £150)** towards the Claimant's costs of the application.

DIRECTIONS

Specific Disclosure

1. No later than **8 May 2017** the Respondent shall provide the Claimant with any CCTV footage, video clip or other photographic image relating to the instance of 17 June 2016 in its possession or control together with any communications in the form of emails, letters or attendance notes of

- telephone calls relating to the incident of 17 June 2016.
2. In the event that the Respondent contends that the items ordered to be disclosed in paragraph 1 above are no longer in its possession or control its explanation of the reasons why it no longer has possession or control of such items.

Exchange of Witness Statements

3. The direction relating to the exchange of witness statements is varied as follows. The parties are directed to exchange no later than **8 May 2017** written statements for each witness, including the Claimant, whom it is intended will be called to give evidence on their behalf at the Tribunal hearing. The parties are to ensure that there are six copies of each statement for their own witnesses available at the Tribunal hearing.

Costs

4. Upon the Claimant's application, the Respondent is ordered to pay the Claimant the total sum of **£900** towards the Claimant's costs of the application. The costs order should have included the VAT element of Counsel's fee, for which the Claimant is liable, and I have amended the amount of the Judgment to reflect this under Rule 69 of the Employment Tribunals Rules of Procedure 2013.

Amendment of Response

5. The Respondent has leave to amend its response in the terms already filed with the Tribunal and provided to the Claimant.

NOTES

- 1 *This Order constitutes a notice of hearing under the Employment Tribunals Rules of Procedure 2013. At the Hearing all parties will have the opportunity to submit written representations and to advance oral argument. If a party wishes to submit written representations for consideration to the hearing s/he shall present them to the Employment Tribunal Office not less than 7 days before the Hearing and shall, at the same time send a copy to all other parties.*
- 2 *Failure to comply with an Order relating to the disclosure or inspection of documents may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under section 7(4) of the Employment Tribunals Act 1996.*
- 3 *The Tribunal may also make a further Order (an "Unless Order") providing that unless it is complied with, the claim or, as the case may be, the response shall be dismissed without further order.*
- 4 *An Order may be varied or revoked upon application by a person affected by the Order or by an Employment Judge on his or her own initiative.*

- 5 *This Order confirms orders made/directions given at a hearing on 24 April 2017.*
- 6 *No further notice of hearing will follow.*

Employment Judge Hall-Smith

Date: 9 May 2017