



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr Smith

AND

Respondent
The Carphone Warehouse Ltd

JUDGMENT ON A PRELIMINARY HEARING

HELD AT Birmingham

ON

24 May 2017

EMPLOYMENT JUDGE Harding

Representation:

For the claimant: Ms Lawrence-Russell, Union Representative

For the respondent: Mr Roberts, Counsel

JUDGMENT

1 The respondent's application to strike out the claimant's claims of a failure to make reasonable adjustments, indirect disability discrimination, direct disability discrimination and discrimination arising from disability on the basis that the claims have no reasonable prospect of success is refused.

2 The Claimant's claim of direct disability discrimination has little reasonable prospect of success. The claimant is ordered to pay a deposit of £100 no later than 28 days from the date this order is sent as a condition of being permitted to continue to advance that claim. Regard has been had to the information available as to the claimant's ability to comply with the order in determining the amount of the deposit.

3 The respondent's application for a deposit in respect of the remaining claims is refused.

4 Written reasons, requested by the respondent at the conclusion of the preliminary hearing, will be produced in due course.

Case No:1300335.17

Employment Judge Harding

Dated: 24 May 2017

Notes

1 *The parties or their representatives should ensure that all documentary evidence and statements of the witnesses on whom they rely are supplied to the other party and the tribunal in accordance with this Order.*

2 *Only in exceptional circumstances will the tribunal consider:*

(a) the evidence of witnesses whose statements have not been exchanged,

and/or

(b) documents which are not included in the single bundle, in accordance with this Order.

3 *It should also be noted that any correspondence between the parties endorsed "without prejudice" or correspondence between the parties and ACAS may not be admissible and should not be included in the agreed bundle of documents or disclosed to the tribunals until agreed by the parties, or ordered by the tribunal, to be included.*

4 *The parties' attention is also drawn to Rule 2 (the overriding objective). The overriding objective is to enable tribunals to deal with cases justly. By Rule 2, the parties shall assist the tribunal to further the overriding objective.*

5 *Failure to comply with this order may result in the striking out, before or at the Hearing, of the whole or part of your claim if you are the claimant or the whole or part of your response if you are the respondent.*

6 *Failure to comply with this order may also result in a fine being upon you under the provisions of section 7(4)*