



EMPLOYMENT TRIBUNALS

Claimant

Mr C Tokarczyk

v

Respondent

Nuffield Health

PRELIMINARY HEARING

Heard at: Watford

On: 5 January 2018

Before: Employment Judge Smail

Appearances:

For the Claimant: Mr N Shah, Solicitor

For the Respondent: Mr P Bownes, Solicitor

JUDGMENT

1. The claimant's claim is reinstated by way of relief from sanction.
2. The claimant is to pay £1,000 towards the respondent's costs of the application. Such payment to be made only if the claimant recovers compensation from this claim.

CASE MANAGEMENT SUMMARY

Listing the hearing

1. The full merits hearing of this matter will be listed over **4 days, 25 to 28 September 2018**, starting at **10am** or so soon thereafter as possible thereafter. The case will be heard at **Watford Employment Tribunal, 2nd Floor, Radius House, 51 Clarendon Road, Watford WD17 1HP.**

The issues

1. The issues remain as defined in the preliminary hearing of Employment Judge Southam on 1 February 2017.

Judicial mediation

2. The Employment Judge and the claimant see the sense for judicial mediation in this case. If the respondent agrees it is to apply to the tribunal for a judicial mediation by **31 January 2018**.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

2. **Updated schedule of loss and disclosure of documents relating to remedy, including details of all benefits**
 - 2.1 An updated schedule of loss together with those documents is to be served on the respondent by **19 January 2018** by the claimant.
3. **Bundle of documents**
 - 3.1 The respondent is to update the bundle of documents by **16 February 2018** and to ensure that the claimant has a copy of the same. Five copies of the bundle are to be brought to the full merits hearing for use by the tribunal.
4. **Witness statements**
 - 4.1 It is ordered that oral evidence in chief will be given by reference to typed witness statements from parties and witnesses.
 - 4.2 The witness statements must be full, but not repetitive. They must set out all the facts about which a witness intends to tell the Tribunal, relevant to the issues as identified above. They must not include generalisations, argument, hypothesis or irrelevant material.
 - 4.3 The facts must be set out in numbered paragraphs on numbered pages, in chronological order.
 - 4.4 If a witness intends to refer to a document, the page number in the bundle must be set out by the reference.
 - 4.5 It is ordered that witness statements are exchanged so as to arrive on or before **31 July 2018**.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.

2. 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 struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Smail

Dated: 07/02/2018

Sent to the parties on:

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For the Tribunal:

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