



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondents

Mr A Turner

J D Wetherspoon Plc

JUDGMENT AND ORDER ON PRELIMINARY HEARING

HELD AT: London Central

ON: 5 January 2018

BEFORE: Employment Judge A M Snelson (sitting alone)

On hearing the Claimant in person and Mr O Wacker, representative, on behalf of the Respondents, the Tribunal adjudges and orders as follows.

JUDGMENT

It was not reasonably practicable for the Claimant to present the claim form before the end of the period of three months commencing with the effective date of termination and the claim form was presented within a reasonable further period. Accordingly, pursuant to the Employment Rights Act 1996, s111(2), the Tribunal has jurisdiction to consider the complaint of unfair dismissal.

ORDER

- (1) On or before 26 January 2018 the Claimant shall deliver to the Respondents' representative and copy to the Tribunal a schedule of all losses claimed in the proceedings:
 - (a) including a clear explanation of how each element is calculated and details of all sums earned or otherwise received in mitigation of loss and all efforts made to mitigate loss; and
 - (b) attaching all relevant documentary evidence.
- (2) On or before 23 February 2018 the parties shall exchange copies of all documents not yet disclosed which are, or have been, in their possession or control and which are, or may be, relevant to any issue in the proceedings

including, for the avoidance of doubt, any document which may not assist the disclosing party's case and/or may assist the opposing party's case.

- (3) The parties shall cooperate to agree a common bundle of documents for use at the hearing referred to below ("the hearing"), primary responsibility for its preparation resting with the Respondents. The form of the bundle shall be finalised no later than 16 March 2018 and one copy supplied at once to the Claimant for his own use. The Respondents shall produce three further copies of the bundle for the Tribunal's use at the hearing.
- (4) On or before 29 March 2018 the parties shall exchange witness statements in the names of all witnesses (including the Claimant) whom they intend to call to give evidence at the hearing. Every witness statement shall:
 - (a) be typed in double line spacing;
 - (b) be laid out in short, numbered paragraphs;
 - (c) set out the relevant events in chronological order, with dates;
 - (d) contain all the evidence which the witness is called to give;
 - (e) exclude any matter not relevant to the issues to be determined;
 - (f) state the source of any information not acquired at first hand;
 - (g) be signed and dated.

At the hearing the parties shall produce for the Tribunal's use three further copies of every witness statement relied upon. Except with the special permission of the Tribunal, no witness may be called at the hearing unless a statement in his/her name has been prepared and delivered to the opposing party in accordance with this direction.

- (5) On or before 6 April 2018 the Claimant shall deliver to the Respondents' representative and copy to the Tribunal an updated schedule of loss.
- (6) The final hearing of all issues of liability and remedy shall be held at 10.00 a.m. on 11 April 2018, two consecutive sitting days being allocated.

NOTES:

- (1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.
- (2) The Employment Tribunals Rules of Procedure 2013 (to which any reference below to a rule refers) provide by rule 6 that if an Order is not complied with, the Tribunal may take such action as it considers just, which may include waiving or varying the requirement, striking out the claim or response (in whole or in part), barring or restricting a party's participation in the proceedings and/or awarding costs.
- (3) You may apply under rule 29 for this Order to be varied, suspended or set aside.

- (4) Where reasons have been given orally on any disputed issue, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

EMPLOYMENT JUDGE Snelson on 8 January 2018