



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Hollis

Respondents: 1. Mr Costa Kyratzis
2. George Kyratzis

Heard at: Nottingham

On: Thursday 13 December 2018

Before: Employment Judge P Britton
Members: Ms F Newstead
Ms H Andrews

Representation

Claimant: Mr C Maw, Solicitor
Respondents: Mr J Carter of Counsel

JUDGMENT

1. This tribunal recuses itself from further hearing of this case.
2. There is to be herewith joined as a Third Respondent as follows:

Mr Stephen R Francis, Francis Bakery, Allen Street, Hucknall,
Nottingham NG15 7DS
3. The case is hereby relisted to be heard before a Judge sitting alone on **Monday 4 and Tuesday 5 March 2019** at the Nottingham Employment Tribunal Hearing Centre, Carrington Street, Nottingham NG1 7FG commencing at 10 am.
4. Directions are hereinafter set out.

REASONS

Explanation

1. It is now self-evident from the documentation put in today before this tribunal and the further statements (in particular that of the Second Respondent and a witness for him) that the whole case is going to have to be reheard. This is possible because when we sat on this matter on 4 October 2018, this tribunal made no actual judgment other than to order the joinder of what is now the Second Respondent.

2. Suffice it to say that otherwise it would be inappropriate for this tribunal to continue to hear this case given it had previously made findings of fact given the matter is now to be reheard in its entirety.
3. On the basis, accordingly the case has now been relisted as above before a Judge sitting alone. For the avoidance of doubt, it must not be Employment Judge Peter Britton.
4. The reason the case is now listed for two days is given the number of witnesses that are now being called in this case and the now extent of the trial bundles.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. The proceedings to date are to be forthwith served upon the now Third Respondent in the usual way. For the avoidance of doubt, he is to receive the following:
 - 1.1 ET1
 - 1.2 ET3 of the First Respondent
 - 1.3 ET3 of the Second Respondent
 - 1.4 The record of the case management discussion heard by Regional Employment Judge Swann on 27 September 2018.
 - 1.5 In anticipation that Mr Francis will in due course file a Response, there is finally hereby listed **a case management discussion by telephone to be heard on 12 February at 10 am for one hour.**

To take part you should telephone **0333 300 1440** on time and, when prompted, enter the access code **000259#**

[Please note that if you intend to dial into the telephone hearing from a mobile phone, higher rates apply and you may wish to check the call rate with your service provider first.]

2. Given that the current parties have all filed bundles and witness statements they are to now send copies forthwith to Mr Francis by in the case of the Claimant, her solicitor, and in the case of the current Respondents by themselves as they have not appointed a solicitor.
3. Thus, it is anticipated that what the Judge will then do at the telephone case management discussion is just to give directions in relation to Mr Francis's input into the case, ie witness statement and any additional documents he wants in the current bundles.

Notes

(i) The above Order has been fully explained to the parties and all compliance dates stand even if this written record of the Order is not received until after compliance dates have passed.

(ii) 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.

(iii) 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.

(iv) 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. Any further applications should be made on receipt of this Order or as soon as possible. The attention of the parties is drawn to the Presidential Guidance on ‘General Case Management’:

<https://www.judiciary.gov.uk/wp-content/uploads/2013/08/presidential-guidance-general-case-management-20170406-3.2.pdf>

(v) The parties are reminded of rule 92: “*Where a party sends a communication to the Tribunal (except an application under rule 32) it shall send a copy to all other parties and state that it has done so (by use of “cc” or otherwise). The Tribunal may order a departure from this rule where it considers it in the interests of justice to do so*”. If, when writing to the Tribunal, the parties do not comply with this rule, the tribunal may decide not to consider what they have written.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE