



Case Number: 2302415.2017
2302416.2017
2302668.2017
2302669.2017
2302670.2017

EMPLOYMENT TRIBUNALS

BETWEEN

Claimants

1 Mr J Engramer
2 Mrs C Magalhaes
3 Mr F Hude
4 Mr J Engramer
5 Mrs C Magalhaes

and

Respondents

1 Mr D Jennings and Ms M
White trading as Le Petit
Poisson
2 Mr D Jennings trading as
Le Petit Poisson
3 The Real Ice Cream Co
Kent Ltd trading as Le Petit
Poisson

Held at Ashford on 11 December 2018

Representation

Claimants:
Respondents:

In Person
1,2 & 3 Mr Morton,
Scottish Qualified
Solicitor

Employment Judge Kurrein

JUDGMENT ON RECONSIDERATION

- 1 The Judgment entered against the Second Respondent on 6 December 2017 is revoked.
- 2 The Judgment entered against the Third Respondent on 6 December 2017 is confirmed.
- 3 The Third Claimant's claim against the Second Respondent shall be re-heard.

REASONS

- 1 These Reasons should be read in conjunction with all earlier Orders and Reasons.
- 2 I heard submission from Mr Morton and read Mr Jennings' unsigned statement and the documents to which I was referred.

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- 3 I accept that I was in error in stating that no Respondent had entered an appearance: Mr Jennings did so when he was the only Respondent in Case Numbers 2302668.2018.
- 4 That case was a Multiple with three Claimants but, because of software errors, the names of the other Claimants did not appear on the claim form as served. This had been explained in a letter to Mr Jennings dated 24 October 2017 which would have been sent to him with the Response Pack on 25 October 2017 giving him notice of that claim. He used that Response Pack to present a Response naming all three Claimants, who were also identified in the letter effecting service together with the three case numbers. I did not therefore accept his assertion that he did not receive that letter.
- 5 In light of my error I must revoke the Judgment against the Second Respondent in favour of the Third Claimant.
- 6 I do not accept that I fell into error in stating that the Third Respondent did not enter a Response. It was joined as a party by my Case Management Order of 6 December 2017 and served at its Registered Office. Mr Jennings, who appears to have acted on behalf of the Third Respondent at that time, sent an email of 15 January 2018 that confirms it was received. .
- 7 I did not accept that he did not have adequate information to enter a response to that claim. He had done so in his personal capacity, clearly stating that any liability lay with the “limited company” and not with him as a manager. The default Judgment I made was entered entirely properly. The Third Respondent has not sought relief from that sanction or presented a proposed Response showing it has a valid defence to the claims.
- 8 In light of the above I confirm the Judgment against the Third Respondent in favour of the First and Second Claimants.

Employment Judge Kurrein

11 December 2018