



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs JK Carlisle

**Third Respondent:** Andy Ford And Claire Chapman t/a The Black Swan

**Forth Respondent:** Yews Estates Limited

## JUDGMENT

The Fourth Respondent's response is struck out

## REASONS

1. By an Order to disclose documents dated 10 October 2018 the Respondents were ordered to comply with the Claimant's request for documentation. They were ordered to disclose all documentation relevant to the Claimant's complaint which includes any documentation relevant to the transfer of undertaking. In particular clarification as to the date Yews Estates Limited took over conduct of the Public House known as the Black Swan.
2. The fourth Respondent sent an email dated 23 October 2018 attaching a copy of a "Pub Management Agreement" between themselves and the third Respondents. No documents were disclosed regarding the date Yews Estate Limited took over conduct of the Public House known as the Black Swan, nor did the fourth Respondent address or explain why there was no documentation disclosed in respect of paragraph 4 of the Order namely all documentation with regards to any TUPE transfer that may have taken place.
3. The Tribunal was previously provided with a copy of a tenancy agreement which confirmed that the fourth Respondent became a tenant of the Black Swan Public House on 31 July 2017. This confirmation was provided by Red Star Pub Company Ltd on 28 March 2018. It would appear that the fourth respondent subsequently sub let the Black Swan to the third Respondent on 24 August 2017.
4. The fourth Respondent has failed to comply with paragraphs 1, 2 and 4 of the Order of the Tribunal dated 10 October 2018. The Claimant has been seeking to ascertain the identity of her employer since her claim was lodged. The fourth Respondent, despite being served the claim on 23 July 2018 has failed to

engage in the proceedings. They have not complied with the Orders dated 23 July 2018 and emailed the Claimant's representative asking them to refrain from contacting them as they do not wish to be privy to the proceedings.

5. The Respondents were warned in the Order dated 10 October 2018 that unless they complied with the Order the respective responses would be struck out.

Employment Judge Moore

Date: 29<sup>th</sup> October 2018