



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondents

Ms N Karie

Lloyds Bank Plc

JUDGMENT AND ORDER ON PRELIMINARY HEARING

HELD AT: London Central

ON: 5 March 2020

BEFORE: Employment Judge A M Snelson (sitting alone)

On hearing Ms I Egan, counsel, on behalf of the Respondents,
And there being no appearance or representation by or on behalf of the Claimant;
The Tribunal adjudges and orders that:

JUDGMENT

The complaint of unfair dismissal is struck out.

ORDER

- (1) The Respondents are correctly named as appears in the title above, and the claim form and title of the proceedings are amended accordingly.
- (2) No later than 20 March 2008 the Claimant shall deliver to the Respondents' representative and copy to the Tribunal the further particulars requested in the Grounds of Resistance, paras 5.2 and 5.3.
- (3) The Respondents shall, no later than 3 April 2020, deliver amended Grounds of Resistance responding to the claim as clarified pursuant to para (2) above.
- (4) On or before 10 April 2020 the parties shall deliver to the Tribunal a final, agreed statement of issues.
- (5) On or before 10 April 2020 the Claimant shall deliver to the Respondents' representatives and copy to the Tribunal an updated schedule of all remedies claimed in the proceedings, specifying:

- (a) the precise sums claimed in respect of monetary losses; and
 - (b) the *Vento* band said to be applicable for the purposes of any injury to feelings award.
- (6) No later than 10 April 2020 the parties shall notify the Tribunal whether they are interested in the possibility of judicial mediation.
- (7) On or before 12 May 2020 the parties shall exchange:
- (a) lists of all documents 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; and
 - (b) copies of all listed documents.
- (8) 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 9 June 2020 and one copy supplied at once to the Claimant for his own use. The Respondents shall produce four further copies of the bundle for the Tribunal's use at the hearing.
- (9) On or before 23 June 2020 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. At the hearing the parties shall produce five 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.
- (10) On or before 7 July 2020 the Claimant shall deliver to the Respondents' representative and copy to the Tribunal a further updated schedule of remedies.
- (11) The parties shall agree and produce to the Tribunal no later than 14 July 2020:
- (a) a chronology; and
 - (b) a 'cast list'.
- (12) All prior directions are revoked.

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.

OBSERVATIONS

- 1. The Claimant's representative did not attend the preliminary hearing. Attempts were made to contact him by telephone but no response was received. I decided to proceed.
- 2. I struck out the unfair dismissal claim because the Claimant did not have the necessary qualifying service to entitle her to make that claim.
- 3. The sex discrimination claim may be vulnerable to a strike-out application (see the Equality Act 2010, s18(7)). It would not be proportionate to consider such an application before the final hearing.
- 4. The claims and issues appear to be very straightforward. Without any input on the Claimant's side, it would not be fair for me to attempt to formulate them here, but the agreed list of issues should readily perform that function.
- 5. My directions are designed to ensure the just and efficient disposal of the dispute. It is important that the parties comply with them carefully.

EMPLOYMENT JUDGE Snelson

Judgment entered in the Register and copies sent to the parties on 10/03/2020
..... for Office of the Tribunals