



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Taheri

**Respondent:** Parkdean Resorts UK Limited

**Heard at:** Manchester

**On:** 2 July 2020

**Before:** Employment Judge Warren

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr B Williams of Counsel

**JUDGMENT** having been sent to the parties on 6 July 2020 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

## REASONS

### Background

1. This is an application by the respondent that the claim be struck out on the grounds that Mr Taheri's actions in bringing the claim fall within rule 37 of the Employment Tribunals Rules of Procedure 2013 in that the claims are scandalous, vexatious and have no reasonable prospect of success.
2. This case was heard remotely with the consent of both parties.

### Respondent's application

3. Mr Williams in his application accepted that it was difficult for the Tribunal to decide to strike out a case which involves a claim by the claimant that he was discriminated against on the grounds of his disability and or age. He accepts that it is unusual and exceptional (**Anyanwu v South Bank Student Union [2001] 391(HL)**). Mr Williams pointed out that this case very much assists the claimant, stating that it must be very much the exception as a claim for discrimination will turn

on the evidence heard and therefore should not generally be dismissed before that. This case, however, he considered to be the exception and other principles should apply (**Chandock v Tirkey [2015] IRLR 195**). It is not enough to say, for instance in a sex discrimination claim, that because you are a man or a woman the other got the job, or because you are disabled you did not get the job, because that is not quoting a difference in treatment. Mr Williams asked that if the decision was taken not to strike out, that a deposit order should be made in the alternative. Mr Williams pointed out that the claimant had made three job applications to the respondent and none had been successful. He claimed that he was as disabled person by reason of prostate cancer and that he had the right skills for all three jobs. The claimant asserts that he did not get the jobs because he was disabled and potentially because he was an older man (aged 61). The claimant made no allegation in the three ET1s of a difference in treatment. He was seeking damages.

4. Mr Williams asserted that the claimant's claims were extremely weak with no reasonable chance of success, and were flawed. He asserted that the claims were vexatious and weak, and together an irresistible combination in accordance with the case of **EG v Barker [2000] EWHC 458**. These cases were the hallmark of vexatious, with little or no discernible chance in law but subjecting the respondent to inconvenience and expense. Mr Taheri falls within the definition set out by Lord Justice Bingham in that case. The case did not even involve a serial litigant against one respondent as here.

5. It was noted that the claimant's curriculum vitae (page 39 of the bundle) gave an impression of continuity of employment and it is wrong. It is deliberately misleading. The claimant was lying to a prospective employer. For a number of years within the curriculum vitae it is suggested that he was working successfully, when in fact it is known that he was not. It was dishonest of the claimant, who must live by the mistake that he made in that CV. He should not have pretended that he had been in successful employment.

6. The claimant is a serial litigant against this respondent. He continues to make a huge number of applications and to harass the respondent. Each time he puts the respondent to the expense of defending a claim. If he believed the respondent was truly discriminatory, it is questionable why he would want to work for them. It was noted that of the three applications for jobs that he had made recently he brought his claim in relation to one on the day after he made the application, having not even heard back from the respondent. It is believed that Mr Taheri is blindly applying for any vacancy that the respondent advertises. It was noted that he had applied for the same job twice as a manager at their Preston base. It is asserted that Mr Taheri had no interest in working but simply in being disruptive. He is described therefore as the walking definition of a vexatious litigant because he continues to make applications for jobs which he knows will not be entertained by the respondent, and he is abusing the process of the Tribunal accordingly. Mr Taheri insisted that his cases be heard as locally as possible to him because of his disability, but at the same time applied for jobs with the respondent in both Scotland and Poole on the south coast. In the past in the claims he has made he has alleged race discrimination but not in these cases.

7. The respondent has no real knowledge of the claimant's disability other than what he has told them. He is not getting the jobs because there are better people and he now will not be given a job because he has been dishonest in his curriculum vitae. He is Lord Bingham's vexatious litigant and he will not be given a second chance. In previous cases he has been ordered to pay deposits. To continue to make further applications of this nature is an abuse of process, and the Tribunal is invited to strike the claimant out.

#### Claimant's submissions

8. Mr Taheri asserts that three years ago he was interviewed for a position with the respondent and offered an interview in June 2017 but subsequently was told there was no vacancy. He has applied for other positions with the respondent company. He is 61 years old and has prostate cancer. He accepts he is a serial litigant but that is because he is continuously discriminated against. Candidates are half his age and they get the jobs. He considers it difficult to compete, and it is nonsense to describe him as disingenuous. He has applied for various sales and marketing jobs. Every time he applies, the respondent knows that he has prostate cancer and that he is an older candidate and there is therefore a prima facie case of discrimination. He considers that one of his main aims is to work for the respondent, not to receive financial settlements. He considers that they inconvenience him by their constant refusals to interview him. There have been occasions when the claimant applied and wanted to attend open days and then had not received an invitation. They do not want older candidates.

9. The claimant is currently not working, he is on Job Support Allowance for which he received £71 per week and no other benefits. He has no mortgage or rent, and a credit card on which he has £6,500. He has savings of under £1,000 and he currently runs a car but will not be doing so for much longer. He is single and his home is his own. He has a £1,000 costs order against him and a £20,000 costs order against him.

#### **Conclusion**

10. This is an application by the respondent that the claimant be struck out on the grounds that he is vexatious and his claims have no reasonable prospects of success. The respondent says the claimant applies for interviews for positions and that the respondent knows that he is over 61 and has prostate cancer and therefore he does not get interviewed. It is equally likely, however, that the respondent knows him as a serial litigant, on his own admission, and that there is no trust. There is an inaccuracy on his CV which suggests dishonesty on his part. Every time he applies for a job he is rejected and he immediately sues, even on some occasions ahead of being notified that he has been rejected. The respondent must dread having to advertise vacancies knowing that litigation will inevitably follow. A line needs to be drawn in the sand, and this is it.

11. This case has no reasonable prospects of success. There are clearly non discriminatory reasons already outlined for the claimant's failure to obtain work with the respondent. The more vacancies he applies for the more those reasons build. The claimant has reached the end of the line.

12. I am striking the claimant out because he cannot show me that prima facie he was rejected because of his age or his disability. The respondent has demonstrated that the claimant has provably lied on a curriculum vitae (for whatever reason) and has even taken action before he has known the outcome of one of his applications. He persists in applying for vacancies “blindly” that the respondent advertises, and immediately brings legal action thereafter when he does not get an interview.

13. To make a deposit order will simply prolong the agony further – there is no chance of success in this case. All of the claims are thus dismissed.

14. I have considered the case of **Anyanwu**. This is the exception to the rule. In **Anyanwu** there was no serial litigant. Here there is a serial litigant against the same respondent. This is more than simply a weak case. Here there is no obviously pleaded case and a series of identical claims which have provoked this application to strike out.

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Employment Judge Warren  
Date: 8 December 2020

REASONS SENT TO THE PARTIES ON

11 December 2020

FOR THE TRIBUNAL OFFICE

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