



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs C Brazier

**Respondent:** Red Top Ltd t/a Simon Marden Estate Agents

## JUDGMENT

The remaining claims are struck out.

The one-day hearing listed for 14/2/2022 will be vacated.

## REASONS

Following a preliminary hearing on 1/4/2021 the claimant's remaining claims were made the subject of an unless order. The Order read:

**Unless by the 2/6/2021 the claimant provides to the respondent:**

**An updated schedule of loss as per paragraph 9 of the Case Management Order of 8/4/2019; and**

**Written witness statements for all witnesses as per paragraphs 17-19 of the Case Management Order of 8/4/2019;**

**The claims will stand dismissed without further order.**

1. Unfortunately, the Tribunal's Order was not sent to the parties until the 5/6/2021. Clearly the claimant could not comply with the Order until she received it.
2. No enquiry was made of the Tribunal in this respect and on 24/6/2021 (2.5 weeks after receipt of the Tribunal's Order) the claimant sent a witness statement for Mr Peter Brazier to the respondent.
3. Mr Brazier had pursued his own unsuccessful claim against the same respondent at the Tribunal.
4. There was no witness statement from the claimant.
5. The claimant had said at the previous hearing on 1/4/2021 that her witness statement was 'all in her bundle'. She was originally directed to provide her witness

**Case No: 2302942/2018 A**

statement on 7/10/2019 at a hearing on 8/4/2019 (when the claimant was represented).

6. Notwithstanding that and the hearings and discussions which followed (set out in the Order of 1/4/2021) the claimant still has not served upon the respondent her own witness statement. There was no explanation why the claimant has not supplied her own witness statement.
7. Not only is the claimant in breach of the Unless Order to serve witness statements for all witnesses, based upon the witness statement of Mr Braizer, the Tribunal finds that in the absence of any witness evidence from her, her claims have no reasonable prospects of success and are therefore struck out.

---

Employment Judge Wright  
Date: 13 September 2021

Sent to the parties on  
Date: 23 September 2021