

Case Numbers: 3204594/2021, 3204595/2021,
3204596/2021, 3204597/2021,
3204598/2021, 3204599/2021,
3204601/2021 & 3204602/2021



EMPLOYMENT TRIBUNALS

Claimants: Mr M Stabrawa
Ms E Stabrawa

Respondents: (1) K E Kents Holdings Limited
(2) K E Kents Limited
(3) Mr K E Kent
(4) Mr B Waller

PRELIMINARY HEARING

Heard at: East London Hearing Centre (by CVP)

On: 17 March 2022

Before: Employment Judge B Elgot

Representation:

For the Claimants: Mr M Stabrawa

For the Respondents: Ms A Rokad of counsel, instructed by Birkett Long,
Solicitors

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

The Employment Judge gave judgment on a number of preliminary issues as follows:-

JUDGMENT

1. Upon hearing evidence from Mr D J Nolan and Mr K E Kent and having the information from written and oral submissions from both representatives my decision is as follows:-

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2. The correct employer of both Claimants is the Second Respondent K E Kents Limited. The First Respondent K E Kents Holdings Limited remains as a party to these proceedings.
3. No default judgment has been issued and/or promulgated in any of the eight cases in these proceedings despite reference to such a judgment in some correspondence with the Tribunal.
4. The Respondents are permitted to amend their grounds of resistance at paragraph 15 in case number 3204598/21 by withdrawal of the admission in that paragraph and by substituting the wording which appears in paragraph 15 of the amended grounds of resistance in all eight claims under the heading 'Unpaid Wages'. In other words, the Respondents are permitted to withdraw the wording which refers to the Second Claimant as being employed by the Second Respondent. The question of the Second Claimant's employment will be decided at the final hearing.
5. The Respondents' application under Rule 20 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 for an extension of time in which to present the responses is granted and time is extended to 24 March 2022 by which date the Respondents must lodge the ET3 forms electronically. The amended Grounds of Resistance in all eight claims were received on 23 December 2021 and these are hereby accepted out of time as disclosing a robust and properly particularised defence to the claims which are not without reasonable prospect of success.
6. The Claimants are permitted to add to the List of Claims in Schedule A to the case management note and orders of Employment Judge Allen on 30 November 2021 by making a claim that neither of them was given written particulars of their terms and conditions of employment as required by sections 1-4 Employment Rights Act 1996.
7. The final hearing in these proceedings will now take place on **24,25,26 and 27 October 2023**. A Notice of Hearing will be sent out in due course. Additional case management orders relating to preparation for that hearing have been sent to the parties in a separate document.

Employment Judge B Elgot
Date: 23 March 2022