

**Case Numbers: 3205937/2021, 3205938/2021, 3205939/2021, 3205940/2021
3205735/2021, 3205736/2021, 3205737/2021, 3205738/2021,
3206099/2021, 3206100/2021, 3206101/2021, 3206102/2021**



EMPLOYMENT TRIBUNALS

Claimants:

- 1. Miss Rodica Ionela Buftea**
- 2. Miss Aimee Gardner**
- 3. Miss Stanislava Miteva**
- 4. Miss Estelle Chretien**

Respondents:

- 1. Arman Zabair**
- 2. The Food Group**

JUDGMENT

The claims of Miss Aimee Gardner which are proceeding in East London, namely Case Numbers:

- a. 3205938/2021**
- b. 3205737/2021; and**
- c. 3206100/2021**

are struck out.

REASONS

- 1. By way of Case Management Orders dated 21 April 2022, sent to the parties on 12 May 2022, the Tribunal made orders which included the following:**
 - a. By 4pm on 30th May 2022, Miss Gardner must write to the Tribunal informing it of whether she intends to continue pursuing claims in both the London East region and the West Midlands region or whether she intends to withdraw all claims in this region. If the Claimant intends to pursue claims in both regions, she must show cause as to why her claims in this region should not be struck out as an abuse of process.**
- 2. On 13 May 2022, Miss Gardner wrote to the Tribunal. She:**

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- a. confirmed the other three Claimants identified above included her as a claimant on their Claim Forms without her knowledge. She believes they may have misunderstood and thought they had to list anyone who was making a claim;
 - b. stated that unlike the other Claimants, she did not work at “Sweet” in Ilford but rather at the Respondent’s Head Office in the West Midlands;
 - c. questioned whether it was right for the other Claimants to include her on their Claim Forms;
 - d. confirmed the claim she lodged in the West Midlands proceeds, although she has received no further correspondence in relation to it;
 - e. stated it was her intention to proceed against “The Food Group” not its director, Arman Zabair;
 - f. clarified that she did not seek to advance a claim of unfair dismissal;
 - g. stated she does not wish her case to “close” as she is unsure of the best course of action;
 - h. said she is happy to withdraw her case in the West Midlands if one needs to be dropped and continue with this one which has “progressed”.
3. As such, the position is that Miss Gardner has a claim in the West Midlands which she lodged herself and then 3 separate claims proceeding in East London which were lodged without her knowledge.
4. Rule 9 of the Employment Tribunals Rules of Procedure allows two or more claimants to make their claims on the same claim form only if their claims give rise to common or related issues of fact or law or it is otherwise reasonable for the claims to be made on the same Claim Form.
5. Although Miss Gardner was employed by The Food Group, her claims are otherwise very different from those of the other Claimants. She had a different role, worked in a different location and the facts and matters pleaded in the other claims do not apply to her.
6. She ought never to have been added as a Claimant on the Claim Forms of the other Claimants. It was not reasonable for the claims to be made on the same Claim Form.
7. Miss Gardner has not suggested that the proceedings in East London contain claims that she wishes to bring that are materially different from the claims she lodged herself in the West Midlands. Indeed, the contrary is true,

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some of the claims in East London are not claims she ever sought to bring, namely those against Arman Zabair and the claim for unfair dismissal.

8. Under Rule 37 of the Employment Tribunal Rules of Procedure, the Tribunal has the power to strike out a claim on its own initiative for non-compliance with any Rules. The Tribunal may also strike out a claim if it constitutes an abuse of process because it duplicates, without good reason, another claim proceeding in a different forum. Both provisions apply here.
9. Her claims in East London do duplicate the claims she has brought in the West Midlands. Where they do not, they advance claims she does not intend to advance. There is no good reason for the duplication.
10. Rule 9 of the ET Rules was not complied with. Miss Gardner's claim should not have been included in the Claim Forms lodged by the other Claimants. She did not give her consent that they do so, and her case gives rise to different facts.
11. The Tribunal does not conclude, under Rule 6, that the Claim Form is invalid as a whole but does consider, given Miss Gardner's lack of consent to it being lodged and the fact she has a perfectly valid claim proceeding in the West Midlands, where she is based and worked, that all of *her* claims proceeding in East London should be struck out, namely Case Numbers
 - a. 3205938/2021;
 - b. 3205737/2021; and
 - c. 3206100/2021
12. For the avoidance of doubt, there is nothing to prevent her proceeding with the claim in the West Midlands, which is the appropriate forum.
13. I shall request this Judgment be provided to the West Midlands Employment Tribunal so it is aware of the action that has been taken.
14. The various claims of the other three Claimants proceed for now. I shall extend time for them to comply with the Case Management Order dated 21st April 2022 given it was not sent to the parties until 12th May 2022. The claims identified in paragraph 3 of that Order remain at risk of strike out.

Employment Judge Sugarman

Date: 19 May 2022