



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms L. Morris

**Respondent:** London Borough of Hackney

## JUDGMENT

**The Claimant's seventh claim against the Respondent (Case No. 3202068/2019) is struck out on the ground that it has not been actively pursued (Rule 37(1)(d)).**

## REASONS

1. On 1 April 2022, the Tribunal wrote to the parties in the following terms:

'The Claimant shall write to the Tribunal by 15 April 2022, copying in the Respondent, stating whether she seeks to pursue her seventh case (Case no. 3202068/2019) in the light of the Tribunal's judgment on liability in respect of her first six cases, or whether she withdraws it.

If the Claimant withdraws the case, it will be dismissed.

If she indicates that she wishes to pursue it, an open preliminary hearing will be listed before EJ Massarella to determine the Respondent's earlier application that it be struck out/made the subject of a deposit order. The parties must provide their dates to avoid for such a hearing within 7 days of the Claimant's letter. Further directions will be given, if necessary, once the Claimant has clarified her position.'

2. The Claimant wrote to the Tribunal on 14 and 19 April 2022, stating that she intended to appeal the Tribunal's judgment in relation to cases 1-6.

3. The Tribunal wrote again to the Claimant on 12 May 2022, pointing out that she had not answered the questions set out in the order of 1 April 2022, which were:

1. Does she wish to pursue her seventh case, or does she withdraw it?

2. If she does wish to pursue it, are there any dates on which she would not be available to attend a preliminary hearing? If so, what are those dates?
  
4. The Claimant was ordered to reply to these questions by 19 May 2022, making her intentions clear. The letter warned that, if she did not do so, the Tribunal would consider striking out the seventh claim for failure to comply with the Tribunal's order/failure actively to pursue it.
  
5. The Claimant did not reply to that letter. She has been given every opportunity, and nearly two months, to pursue this matter. In the correspondence she has sent to the Tribunal she has ignored the clear terms of the order. She has not responded at all to the subsequent reminder, which spelt out the order in even more express terms, and the possible consequences of not complying with it.
  
6. I have reminded myself of the guidance in *Rolls Royce plc v Riddle* [2008] IRLR 873 EAT. I have concluded that, in acting as she has, the Claimant has acted deliberately and contumeliously (disrespectfully to the Tribunal). It is not proportionate for further Tribunal resources, administrative or judicial, to be taken up in dealing with this matter. Accordingly, the Claimant's seventh claim is struck out.

Employment Judge Massarella

Dated: 26 May 2022