



EMPLOYMENT TRIBUNALS

Claimant: Miss M. Kiyindou Matingou

Respondent: Boots UK Limited

JUDGMENT

The case is struck out.

REASONS

1. The Claimant has failed to take steps to pursue her case, despite two strike-out warnings from the Tribunal.
2. She did not respond to the Tribunal's order of 28 September 2022 requiring her write to the Tribunal no later than 5 October 2022, explaining why she has failed to comply with orders and why her case should not be struck out, or asking for a hearing to consider the question of strike-out.
3. For the reasons given by the Respondent in its email of 4 August 2022, and in my two previous orders, I am satisfied that the Claimant has failed actively to pursue her claim. I have reminded myself of the discussion of the use of the power to strike out for that reason in the case of *Rolls Royce plc v Riddle* [2008] IRLR 873, in particular at [18–19].
4. I have concluded that the Claimant's failure to comply with the Tribunal's orders is both deliberate and contumelious (disrespectful to the Tribunal).
5. Further, there is no basis on which I could conclude that the Claimant would alter her approach to the litigation, were I to permit the proceedings to continue. It is not proportionate for further Tribunal resources, administrative or judicial, to be assigned to dealing with this case, nor would it be just to the Respondent. A fair trial is no longer possible.

6. Accordingly, the case is struck out.
7. The final hearing listed on 26-29 September 2023 is vacated (cancelled).

**Employment Judge Massarella
Date: 6 October 2022**