



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Dr T Piepenbrock

v

**London School of Economics
and Political Science**

Heard at: London Central (paper consideration)

On: 11 January 2023

Before: Employment Judge Hodgson

DECISION

(claimant's application to strike out costs application – 7 January 2023)

1. The claimant's application of 7 January 2023 to strike out the claim for costs is refused.

REASONS

1. The respondent's application to vary the timetable for preparation for the costs hearing was varied by order dated 9 January 2023. On that day, I directed it be sent to the parties.
2. When I made my decision on 9 January 2023, I was unaware of the claimant's letter of 7 January 2023 seeking strike out. That application was sent to me by the administration on 10 January 2023, after I had made my decision to extend time.

3. The respondent's application to vary was made on 23 December 2022. The claimant responded on 5 January; I considered the matter on 9 January. For the reasons given in my previous decision, I considered it appropriate to extend time.
4. I accept that the respondent's failure to file particulars by 6 January was a breach of my order, as the extension not been granted at that time.
5. It is not every breach of order which will lead to a claim, or application, being struck out. I must have regard to the overriding objective and deal with the matter fairly and justly.
6. The claim for costs is a substantial and involved claim. The allegations made by respondent are extensive.
7. Much of the detail has been put in the original application, the claimant, therefore, knows, to a very large degree, the case he is to answer. The reason for further particulars is to assist the claimant, by way of reasonable adjustment, so that he can have absolute precision about the allegations being made. It is important that the respondent should have time to set out the particulars accurately. This is to assist the claimant.
8. The delay occasioned by the respondent's default is brief. The delay will not materially affect the claimant's ability to respond adequately. I have extended time for the claimant's response. If there is insufficient time for the claimant to respond, I will consider any further application. I have no doubt that the cost hearing can still be heard fairly. To strike out the costs application would be disproportionate and unfair, and I decline to do so.

Employment Judge Hodgson

Dated: 11 January 2023

Sent to the parties on:

11/01/2023

For the Tribunal Office