



Case Numbers: 1304457/2020
1306894/2020

EMPLOYMENT TRIBUNALS

Claimant: Mrs T Kostakopoulou

Respondents: (1) University of Warwick
(2) Christine Ennew
(3) Andrew Sanders

PRELIMINARY HEARING

Heard at: Birmingham (in public; by CVP)

On: 7 to 8 June 2023

Before: Employment Judge Camp

Appearances

For the claimant: in person

For the respondent: Ms A Reindorf KC

RESERVED JUDGMENT

The respondent's application to strike out the claim is refused.

Reasons for the above decision will be provided in writing in due course.

JUDGMENTS & ORDERS

1. The claimant's recusal applications of 7 and 8 June 2023 are refused.
2. The claimant's postponement application of 7 June 2023 is refused. This hearing will proceed, with the respondent's application to strike out the claim being heard first.
3. The claimant's application for the imposition of a sanction "*which ranges from striking out the defence ... to the imposition of costs*" made in a letter dated 5 February 2023 sent by email on 8 February 2023 at 06:23 hrs is refused. It is totally without merit.
4. The claimant's application for "*the imposition of sanctions ... as well as costs*" made in a letter dated 6 February 2023 sent by email on 8 February 2023 at 06:26 hrs is refused. It is totally without merit.

5. The claimant's application to strike out the response made in a letter dated 7 February 2023 sent by email on 8 February 2023 at 06:43 hrs is not pursued, having already been decided by Employment Judge Broughton at the hearing on 27 February 2023.
6. The claimant's application for specific disclosure and for costs of 22 February 2022 is refused. It is totally without merit.
7. The claimant's application to strike out made by email of 22:44 hrs on 10 March 2023 under rule 37(1)(a) of the Rules of Procedure is refused. It is totally without merit.
8. The claimant's application to strike out made by email of 22:47 hrs on 10 March 2023 under rule 37(1)(b) of the Rules of Procedure is refused. It is totally without merit.
9. The claimant's application made by email of 12:50 hrs on 17 March 2023 for "*whether the Respondents clearly lied in January 2020 in raising gross misconduct accusations of me without any factual or evidential basis and whether the Respondents and Mr Browne, their representative, have known that they lied and have maintained these lies for three full years even in official documents to the ET, thereby seeking to deceive and mislead both the judges and me*" to be decided as a preliminary issue is withdrawn, in light of the Tribunal's decision recorded in paragraphs 7 and 8 above. Had it not been withdrawn, it would have been refused. Absent a material change of circumstances, the claimant may not renew that application.
10. The claimant's application made by email of 13:20 hrs on 17 March 2020 for the response to be struck out (or for other unspecified sanctions) in connection with the provision of a list of issues, to the extent it is pursued, is refused.
11. The claimant's suggestion that she and the respondents should at the final hearing each use their own lists of issues relating to case number 1306894/2020 is rejected. Employment Judge Broughton decided at the preliminary hearing on 13 January 2023 that the list of issues for that case number should be based on the respondent's draft list, into which "*certain elements of the claimant's schedule*" should be incorporated. There has been no material change in circumstances since then. In the absence of agreement between the parties as to which "*elements of the claimant's schedule*" Employment Judge Broughton had in mind, the matter will be referred to him for clarification.
12. The following orders are made on the Tribunal's own initiative after the hearing in light of paragraph 11 immediately above: **within 7 days of the date this is sent to them –**
 - 12.1 the respondent must provide to the Tribunal, marked for Employment Judge Broughton's urgent attention, a copy, in an easily editable format (e.g. as a Microsoft Word document) the final version of the list of issues relating to case number 1306894/2020 that was provided to the claimant further to paragraph 13 of the written record of the preliminary hearing of 27 February 2023;
 - 12.2 the claimant must specify in an email to the Tribunal (copied by email to the respondent) what she wants added to the final version of the list of issues relating to case number 1306894/2020 that was provided to her further to paragraph 13 of the

written record of the preliminary hearing of 27 February 2023. She must not simply provide her own list of issues but must instead set out what she wants added to the version of the list of issues provided to her by the respondent after that preliminary hearing.

13. The claimant's application of 13:23 hrs on 17 March 2023 for the response to be struck out (or for other unspecified sanctions) in connection with electronic disclosure of certain emails, which incorporates a similar application of 27 February 2023, is refused. It is totally without merit.
14. The claimant's application of 13:26 hrs on 17 March 2023 for the response to be struck out (or for other unspecified sanctions) in connection with some meeting notes is, to the extent it is pursued, refused. It is totally without merit.
15. The claimant's "*Application for Sanctions*" of 5 June 2023 is refused. It is totally without merit.
16. The claimant's application of 17:05 hrs on 20 March 2023 relating to alleged tempering with and/or "*spoliation*" of evidence is refused. It is totally without merit.
17. The claimant's applications for the Tribunal to make findings that the respondent and/or its legal advisers are or were in contempt of court are refused on the basis that the Tribunal has no power to make such findings.
18. The claimant's request or application for "*factualisation*" of allegations of misconduct made against her in December 2019, referred to in an email of 14:03 hrs on 29 March 2023 in which she applied for a finding of contempt of court to be made, is refused. It is totally without merit.
19. Reasons for the above (un-reserved) Judgments & Orders were given orally at the hearing. Written reasons have been requested and will be provided in due course.
20. The claimant confirmed at the conclusion of this preliminary hearing that she was not intending to make any further applications to the Tribunal prior to the final hearing, other than, potentially, an application for permission to rely on a supplementary witness statement.

Employment Judge Camp

12 June 2023