



EMPLOYMENT TRIBUNALS

Claimant: Richard Jones

Respondent: Zhero Limited

JUDGMENT

The Claimant's application dated **13th October 2023** for reconsideration of the Order granting the Respondent time to file its Grounds of Resistance, sent to the parties on **13th October 2023** is granted.

REASONS

By a Case Management Order made on 15th September 2023 I ordered the Respondent to file an ET3 and Grounds of Resistance by 28th September. In the event that the Respondent complied, I ordered the Claimant to serve its opposition to the application to extend time and serve a full written application for costs.

On the 13th October 2023 I accepted the Respondent's ET3 Grounds of Resistance on the grounds that no opposition to it had been filed by the Claimant. In fact, it is now apparent that the Claimant did file its opposition to the late ET3 Grounds of Resistance in accordance with the terms of my Order.

In the circumstances it is in the interests of Justice to reconsider that decision. As a result the Open Preliminary Hearing listed for 18th-19th December 2023 shall determine the following issues:

1. The determination of the Respondent's application to extent time to serve its Response;
2. The Claimant's application for costs against the Respondent for the wasted costs of the hearing on 15th September 2023.

If the Respondent is refused permission, the hearing shall proceed to determine:

3. The Respondent's liability for the Claimant's claims;
4. The quantum of the Claimant's claims;

If the Respondent is granted permission to rely on its ET3 Grounds of Resistance, then the hearing shall consider the future case management of that claim.

In the circumstances the parties are ordered to file agree a Preliminary Hearing bundle by no later than 4.30pm on Wednesday 13th December 2023 which must contain, in separate sections:

- (Section A) All documents, and if required witness statements, necessary to determine whether the Respondent has permission to rely on its ET3 Grounds of Resistance;
- (Section B) All documents necessary to determine the Claimant's application for costs.
- (Section C) All documents, and if required witness statements, necessary to establish the Respondent's liability for the Claimant's claims (in the event the Respondent is not allowed to take part in this part of the proceedings).
- (Section D) All documents, and if required witness statements, necessary to establish the quantum of the Claimant's claims (in the event the Respondent is not allowed to take part in this part of the proceedings).
- (Section E) In the event that the Respondent is granted permission to take part in the proceedings, such documents as are necessary to Case Manage the Claim through to a final hearing.

Case No: 2212276/2023

Employment Judge Gidney

7th December 2023

JUDGMENT SENT TO THE PARTIES ON

.07/12/2023

FOR THE TRIBUNAL OFFICE