



EMPLOYMENT TRIBUNALS

Claimant:

Mr W Maseke

v

Respondents:

Telefonica Uk Limited (1)

Telefonica (O2) (2)

The Outer Temple (3)

Shoosmiths LLP (4)

JUDGMENT

The claimant's application for reconsideration of the judgment of 10 November 2023 is refused.

REASONS

1. On 18 January 2024 (within the necessary time limit) the claimant made an application for reconsideration of the judgment promulgated on 5 January 2024.
2. In his application the claimant says that a default judgment and warning to strike out the respondents' response had been issued by REJ Foxwell on 6 January 2024. He says:

"This application for reconsideration to the judgment follows my response to the order by REJ Foxwell in which he'd required the respondents submit skeleton arguments to the tribunal by 15.01.2024 but have all failed to comply with the Order ... Hence my application of 16.01.2024 in which I sought a default judgment be issued on that basis and also sought a strike out of the remaining respondent's responses as they have no reasonable prospect of success."

3. I am not aware of any default or rule 21 judgment having been issued in the claim, and I note that in his reference to his application of 16 January 2024 (which I have not seen) the claimant is seeking a default judgment rather than suggesting that one has already been issued.
4. While reiterating his view that a fair trial is no longer possible, the claimant says *"the decision by EJ Anstis should have focused on the vital public interest factors"*. He goes on to set out those factors. The essence of this is that alleged wrongdoing by the respondent(s) that was the subject of the claimant's alleged protected disclosures (and their subsequent conduct of his claims) requires investigation in the public interest.

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5. It is the claimant's view that the order of REJ Foxwell had the effect of reversing my strike out of the claims – at least in respect of claim 3307733/2023 to which REJ Foxwell's order relates. That point is dealt with in a separate order of today's date. He makes points in relation to his health and personal circumstances.

6. His application concludes:

"I request the EJ Anstis consider revoking the judgment and consider the non-response to the REJ Foxwell's as a further demonstration of Respondents conduct and make a determination without a hearing, and order if the tribunal requires a schedule of loss for the remedy which I have already put in my application to the REJ Foxwell on 16.01.2024 following the latest further misconduct whereby the respondent have deliberately declined to comply with the order, which amounts to rule 37(1).

I respectfully request the tribunal consider my request and revoke the judgment, and issue a summary judgment for the amount sought of £60,000,000 (Sixty Million Pounds) against the respondents, which I shall put a percentage on each respondent a percentage based on the weight of their acts ..."

7. The claimant's application is supported by various appendices.

8. The first stage of reconsideration is set out at rule 71. I must consider whether there is "*no reasonable prospect of the original decision being varied or revoked*" and, if so, the application is refused at this stage.

9. I do consider that there is no reasonable prospect of the original decision being varied or revoked, and accordingly the application for reconsideration is refused at this stage. The reasons for this are:

a. Much of what the claimant says is concerned with the underlying merits of his claims. At para 50 of my judgment I acknowledge that "*amongst the allegations made by [the claimant] are things which, if true, merit concern and adjudication*". However, the judgment proceeded by reference to rule 37(1)(b) (the manner in which proceedings have been conducted) and rule 37(1)(e) (whether a fair trial is possible) rather than any consideration of the underlying merits of the claims.

b. The claimant's application says little about his conduct of proceedings, and repeats his position that a fair trial is no longer possible. I have already addressed the question of a fair trial in my judgment and see no basis on which that decision should be changed.

10. Finally, I have mentioned that I have not seen or considered any application made by the claimant on 16 January 2024 in case no. 3307733/2023. That case has been struck out and is not reinstated so there is no basis on which I can

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consider the application the claimant describes for a default judgment and a strike out of the responses in that case.

Employment Judge Anstis

Date: 25 January 2024

Judgment and reasons

Sent to the parties on: 8 February 2024

For the Tribunal Office

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SCHEDULE OF CLAIMS

3313184/2020
3306767/2021
3300036/2022
3305682/2022
3302475/2023
3305951/2023
3307733/2023