



EMPLOYMENT TRIBUNALS

Claimant: Marion Muhonen Nilsen

Respondent: John Lewis Partnership plc

JUDGMENT

Rule 38(1)(a) Employment Tribunal Rules of Procedure 2024

The claimant's application to strike out the response is refused.

REASONS

1. This claim was submitted on 1 November 2025. The accompanying Particulars of Claim explain that Ms Nilsen worked as a designer for John Lewis. Initially, her role was as an Accessories Designer but then, after a "Head Office Transformation" in 2020 or 2021, she became a more generic designer. She remained in this role for over four years until April 2025 when there was a further round of redundancies. That redundancy exercise, she states, involved about 22 designers and ultimately she was one of those whose employment was terminated. She says that her counter-proposals were not properly considered and in particular that a colleague on maternity leave was earmarked for a suitable alternative role, so Ms Nilsen did not have the opportunity to compete for that position. Accordingly she brings claims of unfair dismissal and of discrimination on grounds of sex. She also brings claims of disability discrimination on the basis that she suffers from multiple sclerosis and that this was a factor in the decision-making.
2. The company submitted a response to the claim on 3 December, 2025. That response describes the redundancy selection exercise, the group consultation meetings and then individual consultation meetings which were carried out. It explains that she was placed in a pool of two alongside the colleague on maternity leave and asserts that her colleague had the statutory right to be offered any suitable alternative vacancy in preference to her. That is therefore the essential point in dispute.

3. Ms Nislen has now submitted a eight-page application to strike out the response. The application is repetitive and unclear, displaying characteristic use of AI, but the gist of the application is that the responses failed to address “27 different particulars from my claim” and is therefore either an abuse of process or alternatively that the failure to address those points is a sufficiently clear indication that the respondent has no valid defence to the claim.
4. These alleged defects do not bear any real scrutiny. In many cases they are requests for evidence. The first few alleged failures relate to the head office transformation, which took place about four years before the redundancy exercise in question and which has no obvious relevance to this claim. Not every factual point needs to be addressed in a response, and the opening paragraph makes clear that unless otherwise stated, the allegations are denied. There is therefore no basis to infer any inherent defect in the response, let alone to conclude that it amounts to an abuse of process.
5. Overall, the Grounds of Resistance set out a clear and comprehensible account of the company's position and the application discloses no basis to strike it out. It is simply misconceived. Indeed it may be regarded as unreasonable conduct of proceedings. Such a contentious approach will only extend the length of these proceedings and is discouraged.

Approved by

Employment Judge Fowell

Date 19 March 2026

Sent to Parties.
27 March 2026