EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Mr L Thompson	v	Cepac Limited (R1) Page Outsourcing UK Limited (R2)

Heard at: Newcastle (by video link – Kinly Cloud) **On**: 24 April 2026

Before: Employment Judge James

Representation

For the Claimant: Did not appear and was not represented

For the Respondents: Mr D Rubian, solicitor, for R1
Mr B Gray, counsel, for R2

JUDGMENT

(1) The claimant's claims are struck out on the grounds that his conduct of the proceedings has been unreasonable, scandalous and vexatious.

(2) The first respondent's application for costs against the claimant is granted. The claimant is ordered to pay the sum of £20,000 to the first respondent.

REASONS

The issues

1. The agreed issues which the tribunal had to determine at this hearing were set out in an order dated 8 September 2025. They are:

(a) Whether the manner in which the proceedings have been conducted by the claimant has been scandalous, unreasonable or vexatious; and

(b) for non-compliance with a Tribunal order that were to be determined by Employment Judge Jeram on 8th May 2025.

Further the hearing will determine

(c) the Respondent's application for costs that was notified to the tribunal on 8th May 2025, and will include the costs of today's hearing

(d) in determining whether the manner in which the proceedings have been conducted by the claimant has been scandalous, unreasonable or vexatious the Respondent wishes to rely on the Claimant's non-attendance at today's [i.e. 8 September 2025] hearing.

The proceedings

2. The claim form was issued on 18 November 2024. It contains allegations concerning an application by the claimant for employment to the respondent in August 2024. The history of these proceedings since it was issued, is set out in the submissions section below.

3. At the outset of this hearing, Judge James decided whether or not to proceed in the claimant's absence under Rule 47. He decided that was the fair and just way to proceed. Decisions have already been taken not to postpone the hearing, for the reasons set out below. Judge James is bound by those decisions, which have been properly made. Further, there was no medical evidence from the claimant's GP, confirming that he was not well enough to attend this hearing. This is the fourth hearing he has not attended. Judge James determined that it was appropriate to proceed in the claimant's absence. His written submissions, as well as his further supplemental witness statement, sent on the morning of the hearing, were taken into account in deciding the applications before this hearing.

The hearing

4. The hearing took place over one day. Submissions were heard from counsel for both respondents. The claimant did not attend. Judge James spent the rest of the day in deliberations. Further time was spent on 27 and 28 April, arriving at this decision and writing up this Judgment.

5. The Tribunal was provided with an authorities bundle of 136 pages, containing 9 legal authorities. There was a main hearing bundle of 1657 pages excluding the Index. The bundle included the claimants response to the respondent's skeleton argument of May 2025 (in three parts), at pages 1369 to 1381; and his skeleton argument dated 23 March 2026. It also includes the first respondent's response dated 30 March 2026 and the claimant's counter response.

6. The bundle also includes the first respondent's Strike Out Evidence Part 1 – containing relevant extracts of the Claimant's communications and blog posts relevant to the First Respondent's strike out application (containing evidence covering the period 18.11.2024 – 23.03.2026). It also includes Strike Out Evidence Part 2 – which contains relevant extracts of the Claimant's X.com accounts relevant to the First Respondent's strike out application (containing evidence covering the period 15.11.2024 –28.03.2026).

7. Judge James also had before him a witness statement for the claimant dated 21 April 2026 and his supplemental witness statement dated 24 April 2026. Both were carefully considered.

The relevant legal principles

Strike out

8. Rule 38(1) of the Employment Tribunal Rules of Procedure 2013 provides:

(1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds—

(a) that it is scandalous or vexatious or has no reasonable prospect of success;

(b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;

(c) for non-compliance with any of these Rules or with an order of the Tribunal;

(d) that it has not been actively pursued;

(e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim, response or reply (or the part to be struck out).

9. Before making a strike out order in any of these situations, the tribunal must give the party against whom it is proposed to make the order a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing (r.38(2)). An application by a party for such an order should be made in accordance with the provisions of r.31.

10. The striking-out process requires a two-stage test (see *HM Prison Service v Dolby [2003] IRLR 694, EAT*, at para 15; approved and applied in *Hasan v Tesco Stores Ltd UKEAT/0098/16 (22 June 2016, unreported*). The first stage involves a finding that one of the specified grounds for striking out has been established; and, if it has, the second stage requires the tribunal to decide as a matter of discretion whether to strike out the claim, order it to be amended or order a deposit to be paid.

11. In the case of *Bolch v Chipman [2004] IRLR 140*. The EAT suggested approaching strike out applications by reference to four factors:

    11.1. are one or more grounds in Rule 38 made out?

    11.2. are the consequences such that there cannot be a fair trial (if applicable, within the existing trial window?)

    11.3. is strike out a proportionate response?

    11.4. what are the consequences of strike out, for example, if the defence is struck out, what ability will there be for the respondent to make representations at the remedy hearing?

12. The principles applicable to strike out applications are set out in numerous authorities; see for example, *Malik v Birmingham City Council,*

UKEAT/0027/19/BA, 21 May 2019, Choudhury P, paras 29-33; *Cox v Adecco, UKEAT/Appeal No. UKEAT/0339/19/AT*, 9 April 2021, at para 28.

13. The general principle is that a Tribunal will not strike out discrimination claims except in the most obvious and plain case (*Anyanwu v South Bank Student Union [2001] 1 WLR 391*). The same approach applies in whistleblowing cases: see *Ezsias v North Glamorgan NHS Trust [2007] ICR 1126*, at para 29, in which the Court of Appeal held that the same or a similar approach should generally inform whistleblowing cases.

14. However, self-evidently (and as *Anyanwu* and *Ezsias* themselves make clear) such cases must exist. The respondents argue that this is such a case.

15. As Lord Hope set out in *Anyanwu*, at para 24: *"The time and resources of the employment tribunals ought not to [be] taken up by having to hear evidence in cases that are bound to fail'.*

16. See further for example, the Court of Appeal's judgment in *Ahir v British Airways plc [2017] EWCA Civ 1392* at paras 15-16:

> *Employment tribunals should not be deterred from striking out claims, including discrimination claims, which involve a dispute of fact if they are satisfied that there is indeed no reasonable prospect of the facts necessary to liability being established…*

17. Also, at para 24 of Ahir, Underhill LJ stated:

> *… where there is on the face of it a straightforward and well-documented innocent explanation for what occurred, a case cannot be allowed to proceed on the basis of a mere assertion that that explanation is not the true explanation without the claimant being able to advance some basis, even if not yet provable, for that being so.*

18. See also *Kaur v Leeds Teaching Hospital NHS Trust [2019] ICR 1,* CA at para 77:

> *… there is no absolute rule against striking out a claim where there are factual issues - see, eg Ahir v British Airways plc [2017] EWCA Civ 1392. Whether it is appropriate in a particular case involves a consideration of the nature of the issues and the facts that can realistically be disputed.*

19. See further, HHJ Tayler's judgment in *Cox v Adecco*, at para 28(1) where he stated: "*No-one gains by truly hopeless cases being pursued to a hearing*" (see also the authorities cited at *Malik* at paras 32-33 which make the same point).

20. In Mr T Smith v Tesco Stores Ltd [2025] EAT 1 the EAT held at 5, 33, 34 and 41:

> *5. Regrettably, those who are confused by, or disagree with, proper case management decisions that are fair to both parties, sometimes jump to the conclusion that the employment judge is biased and that the employment tribunal and its staff are adversaries to be challenged and attacked. If such a mistaken view results in a withdrawal from the required co-operation with the employment tribunal and the other party, necessary to advance the overriding objective, it puts a fair trial at risk.*
>
> *…*

33. It is always worth going back to the wording of the overriding objective. Rule 2 of the ET Rules provides:

> ***Overriding objective***
>
> *The overriding objective of these Rules is to enable Employment Tribunals to deal with cases fairly and justly. Dealing with a case fairly and justly includes, so far as practicable—*
>
> *(a) ensuring that the parties are on an equal footing;*
>
> *(b) dealing with cases in ways which are proportionate to the complexity and importance of the issues;*
>
> *(c) avoiding unnecessary formality and seeking flexibility in the proceedings;*
>
> *(d) avoiding delay, so far as compatible with proper consideration of the issues; and*
>
> *(e) saving expense.*
>
> *A Tribunal shall seek to give effect to the overriding objective in interpreting, or exercising any power given to it by, these Rules.* ***The parties*** *and their representatives* ***shall assist the Tribunal to further the overriding objective*** *and in particular* ***shall co-operate generally with each other and with the Tribunal****.*

34. It is important to remember that parties are not merely requested to assist the employment tribunal in furthering the overriding objective, they are required to do so.

…

41. In *Arrow Nominees Inc v Blackledge [2000] 2 BCLC 167* it was held:

> *55. Further, in this context, a fair trial is a trial which is conducted without an undue expenditure of time and money; and with a proper regard to the demands of other litigants upon the finite resources of the court*

21. At para 18 and 19 of *Emuemukoro v Croma Vigilant (Scotland) Ltd [2022] ICR 327*, Choudhury J (then EAT President) held:

> *18 In my judgment, Ms Hunt's submissions are to be preferred. There is nothing in any of the authorities providing support for Mr Kohanzad's proposition that the question of whether a fair trial is possible is to be determined in absolute terms; that is to say by considering whether a fair trial is possible at all and not just by considering, where an application is made at the outset of a trial, whether a fair trial is possible within the allocated trial window. Where an application to strike out is considered on the first day of trial, it is clearly a highly relevant consideration as to whether a fair trial is possible within that trial window. In my judgment, where a party's unreasonable conduct has resulted in a fair trial not being possible within that window, the power to strike out is triggered. Whether or not the power ought to be exercised would depend on whether or not it is proportionate to do so.*
>
> *19 I do not accept Mr Kohanzad's proposition that the power can only be triggered where a fair trial is rendered impossible in an absolute sense.*

That approach would not take account of all the factors that are relevant to a fair trial which the Court of Appeal in Arrow Nominees [2000] 2 BCLC 167 set out. These include, as I have already mentioned, the undue expenditure of time and money; the demands of other litigants; and the finite resources of the court. These are factors which are consistent with taking into account the overriding objective. If Mr Kohanzad's proposition were correct, then these considerations would all be subordinated to the feasibility of conducting a trial whilst the memories of witnesses remain sufficiently intact to deal with the issues. In my judgment, the question of fairness in this context is not confined to that issue alone, albeit that it is an important one to take into account. It would almost always be possible to have a trial of the issues if enough time and resources are thrown at it and if scant regard were paid to the consequences of delay and costs for the other parties. However, it would clearly be inconsistent with the notion of fairness generally, and the overriding objective if the fairness question had to be considered without regard to such matters.

22. In *Bennett v London Borough of Southwark [2002] IRLR 407*, Sedley LJ stated [at #27]:

The word 'scandalous' in its present context seems to me to embrace two somewhat narrow meanings: one is the misuse of the privilege of legal process in order to vilify others; the other is giving gratuitous insult to the court in the course of such process.

23. In *Attorney General v Barker [2000] EWHC 453*, Bingham LJ discussed the definition of "vexatious" behaviour for the purposes of Rule 37.1 of the ET Rules. He stated:

The hallmark of a vexatious proceeding is in my judgment that it has little or no basis in law (or at least no discernible basis); that whatever the intention of the proceeding may be, its effect is to subject the defendant to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the Claimant; and that it involves an abuse of the process of the court, meaning by that a use of the court process for a purpose or in a way which is significantly different from the ordinary and proper use of the court process.

24. Moreover, in Mr D O Jones v Wallop Industries Ltd 1981 WL 726224, the Tribunal stated:

I have a duty to protect the Respondent from the vexatious attitude of Mr Jones and the cost which would be involved to the Respondent company in dealing with this matter in the way that would clearly be necessary if Mr Jones continued.

25. In *Itulu v London Fire Commissioner, UKEAT/0298*, HHJ Shanks held at para 22:

22. The Claimant says through Mr Baker that the Employment Judge should have sought to address the Claimant's concerns and appointed new experts or at least an expert in place of Dr Cutting so that a fair trial with different experts could have been achieved. I do not think that it is necessary in considering whether a fair trial is possible, in effect to re-write the "rules" of the trial which is already contemplated. I do not see why a different trial, with different rules, at a different time possibly, to that being

contemplated at the date of the hearing of the application should be considered. The fairness of the trial is the fairness of the contemplated trial and, as I have already indicated, that trial should have involved the experts who had been already identified and in those circumstances that trial was not going to be able to be fair. It seems to me that considerations of the type that have been raised by Mr Baker as to who the experts might be, should more logically come at the next stage, that is when considering whether there is some lesser sanction which may be more appropriate than a strike out.

Deposit Orders

26. Deposit Orders are covered by Rule 39, which provides:

Where at a preliminary hearing (under rule 53) the Tribunal considers that any specific allegation or argument in a claim or response has little reasonable prospect of success, it may make an order requiring a party ('the paying party') to pay a deposit not exceeding £1,000 as a condition of continuing to advance that allegation or argument.

27. Rule 39(2) requires a Tribunal to make reasonable enquiries into the claimant's ability to pay and to have regard to any such information when deciding the amount of the deposit.

28. In *Jansen van Rensberg v Royal London Borough of Kingston-upon-Thames* UKEAT/0096/07, a case determined under the previous Rules, the EAT (The Honourable Mr Justice Elias (as he then was) presiding), observed at paragraph 27:

… the test of little prospect of success … is plainly not as rigorous as the test that the claim has no reasonable prospect of success … It follows that a tribunal has a greater leeway when considering whether or not to order a deposit. Needless to say, it must have a proper basis for doubting the likelihood of the party being able to establish the facts essential to the claim or response.

Costs

29. Rule 74(1) provides:

(1) A Tribunal may make a costs order or a preparation time order) as appropriate) on its own initiative or on the application of a party or, in respect of a costs order under Rule 73(1) (b), a witness who has attended or has been ordered to attend to give oral evidence at a hearing.

(2) The tribunal must consider making a costs order or a preparation time order where it considers that-

(a) a party (or that party's representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably In either the bringing of the proceedings, or part of it, or the way that the proceedings, or part of it, have been conducted;

(b) any claim or response had no reasonable prospect of success, or

(c) a hearing has been postponed or adjourned on the application of a party made less than seven days before the date on which that hearing begins.)

30. Rule 76 (1) provides that a costs order may order the paying party to pay:

(a) the receiving party a specified amount, not exceeding £20,000, in respect of the costs of the receiving party… .

A claim for costs over £20,000 must be dealt with by way of a detailed assessment, in the Employment Tribunal or the County Court (Rule 76(1) (b)).

31. Rule 82, headed 'Ability to pay', provides:

In deciding whether to make a costs, preparation time, or wasted costs order, and if so the amount of the order, the Tribunal may have regard to the paying party's (or, where a wasted costs order is made, the representative's) ability to pay.

32. The purpose of an award of costs is to compensate the party in whose favour the order is made and not to punish the paying party. Questions of punishment are irrelevant both to the exercise of the discretion whether to award costs under Rule 74(1) and to the nature of the order that is made (see *Lodwick v Southwark London Borough Council [2004] EWCA Civ 306, [2004] IRLR 554*, at para 23; and *Davidson v John Calder (Publishers) Ltd and Calder Educational Trust Ltd [1985] IRLR 97, [1985] ICR 143*, EAT).

33. The Court of Appeal in *Yerrakalva v Barnsley Metropolitan Borough Council and ors [2012] ICR 420, CA*, held that costs should be limited to those 'reasonably and necessarily incurred'.

34. If the Tribunal is satisfied that the claimant acted vexatiously or unreasonably etc, it must then consider separately whether to make an award and, if so, in what amount. At this stage:

the Tribunal must have regard to the nature, gravity and effect of the unreasonable conduct as factors relevant to the exercise of its discretion

although the respondent is not required:

to prove that specific unreasonable conduct by the [claimant] caused particular costs to be incurred". (*Kapoor v Barnhill Community High School Governors (UKEAT/0352/13/RN* at #15)

35. The Court of Appeal in *Kovacs v Queen Mary and Westfield College and another [2002] EWCA Civ 352* held that although a tribunal may take a party's ability to pay into account, this does not mean that:

poor litigants can behave with impunity and without fearing that any significant costs order will be made against them, whereas wealthy ones must behave themselves because otherwise an order will be made.

36. Where the Tribunal has regard to ability to pay, a Tribunal must show that it has given proper consideration to such matters as future earning capacity and, where appropriate, the alternatives to making a whole costs order. The failure to do so may well result in the case being remitted to the tribunal - see *Herry v Dudley Metropolitan Council* **[2017] ICR 610**, *EAT*.

37. In *Herry*, a Tribunal ordered an impecunious claimant to pay all the respondents' costs, which, after a detailed assessment, amounted to over £110,000. It had regard to his ability to pay and held that, although he was currently off work due to stress, it was likely that he would return to work as a teacher and that his circumstances 'may well improve' in the future. However, what it did not do, according to the EAT, was to consider what the claimant's earning capacity and likely net earnings might be nor did it consider whether an award of the whole costs was reasonable and proportionate in the circumstances (see para 42). Judge Richardson, giving judgment, stated that it was difficult to see how he could pay off a figure 'remotely close' to the sum ordered, and that the tribunal did not explain how he could do so. Having decided to take ability to pay into account, 'there was an obvious case for capping the award or ordering a proportion of the award', yet the Tribunal did not explain why it did not consider this option (para 42). The case was, accordingly, remitted to the same tribunal to consider these matters.

38. As noted by the EAT in *Sumukan (UK) Ltd and nor v Raghavan UKEAT 0087/09*, the tribunal must state:

> *on what basis — and in accordance with what established principles — it is awarding any sum of costs;*
>
> *on what basis it arrives at the sum; and*
>
> *why costs are being awarded against the party in question.*

39. The case of *Mirikwe v Wilson & Co Solicitors and others UKEAT/0025/11* is authority for the making of a costs order in circumstances where the paying party has made no submissions as to their ability to pay costs or any appearance in the costs proceedings. The unreasonableness of a party's conduct can be taken into account in deciding whether to take ability to pay into account, and the failure to make submissions or take part is relevant conduct.

40. In *Oni v NHS Leicester City (formerly Leicester City Primary Care Trust)* **[2013] ICR 91***, EAT*, Judge Richardson pointed out that if means have not been taken into account, and the case subsequently goes to the County Court, the form upon which the paying party will set out his or her means is Form EX 140. He therefore suggested that a possible solution to the problem of how a litigant in person should deal with the question of means where he is confronted with an application for costs is for the Tribunal, at least where it is giving directions in advance relating to a costs hearing, to say that a party who wishes his or her means to be taken into account should complete this form (see para 46).

41. It has been held that VAT should not be included in a claim for costs if the receiving party is able to recover the VAT as input tax (*Raggett v John Lewis plc* ***[2012] IRLR 906****, EAT*). In this case Slade J applied the principle set out in the CPR costs practice direction (now CPR Pt 44 PD para 2.3) and held that to include VAT in such circumstances would be to offend the indemnity principle on which costs are awarded by giving the receiving party a bonus over and above compensating it for the costs incurred (at [52]). Accordingly, where the respondents were registered for VAT and were able to recover the VAT on counsel's fees and travel expenses, it was held that the VAT on

those items could not be included as part of the costs which the claimant was ordered to pay.

The parties submissions

The first respondent's submissions on strike out

Summary of proceedings to May 2025 hearing

42. In paragraphs 4 to 50, the Respondent sets out the factual and procedural background relied upon in support of its application to strike out the Claimant's claims, or alternatively to seek a deposit order and costs.

43. The Respondent characterises the Claimant's conduct throughout the proceedings as demonstrating a consistent pattern of avoidance of hearings, non-compliance with Tribunal orders, delay, and unreasonable, vexatious and scandalous behaviour. It recounts that the Claimant was notified of a preliminary hearing listed for 28 January 2025, but asserted shortly before that date that it was the first he had known of it. The Tribunal confirmed that notice had been provided via the online portal. The Claimant did not attend the hearing. Employment Judge Moss determined that sufficient notice had been given and ordered the hearing to proceed, recording that the Claimant's conduct suggested the claim might not be actively pursued.

44. Following that hearing, the Claimant was ordered to confirm whether he wished to continue with the claim, with a strike-out threatened if he did not. A further hearing was listed for March 2025, with a possible deposit order indicated. The Respondent highlights an email sent by the Claimant in January 2025 telling the judge to "fuck off", alongside subsequent confirmation that he did wish to proceed.

45. The Respondent notes that the Claimant attributed aspects of his behaviour to deteriorating mental health, including references to ambulance call-outs, but says that limited evidence was provided in support. A strike-out application was issued on 31 January 2025. In February and March 2025, the Claimant engaged in extensive correspondence seeking to litigate disability issues, apologising for his language while relying on disability as an explanation, and making repeated postponement applications said to lack adequate medical evidence in support.

46. The Respondent details numerous applications and emails sent by the Claimant between February and March 2025, including requests for postponement, CVP hearings, allegations of misconduct and misuse of medical data, and applications to strike out the Respondent's defence. It records that a GP letter dated 14 March 2025 confirmed a history of anxiety and depression with difficulty managing emotions under stress.

47. Further submissions were exchanged in March 2025, after which the March hearing was postponed to May 2025. Employment Judge Arullendran ordered that the strike-out issue would be determined at that hearing and directed that no further correspondence be sent on specified matters, noting that excessive email traffic was disrupting case management ("Order 10").

48. Despite this, the Respondent says that the Claimant continued to send voluminous emails alleging procedural misconduct, bias, failure to make reasonable adjustments, and discrimination, and seeking recusal of the

Employment Judge and other relief, alongside multiple applications and reconsideration requests. The Respondent responded to these matters and asserts that the Claimant's conduct obstructed bundle preparation and case progression.

49. There was then further extensive correspondence and repeated applications by the Claimant throughout April 2025, including renewed requests for postponement of the preliminary hearing, for the recusal of Employment Judge Arullendran, and variation or suspension of existing case-management orders. The Respondent records that these communications included allegations of procedural unfairness, discrimination, and judicial bias, and that they were pursued notwithstanding earlier refusals and warnings.

50. The Tribunal is said to have considered these matters in detail and to have rejected them on the basis that there had been no material change of circumstances, that the medical evidence did not demonstrate an inability to participate, and that the Claimant's continued engagement through voluminous correspondence undermined assertions of incapacity. The Respondent further notes that the Claimant continued to send a high volume of emails following the April orders, prompting further responses from the Respondent.

51. Ultimately, shortly before the listed hearing, the Tribunal refused the Claimant's further applications to postpone the hearing, reiterating that the existence of complaints to external bodies such as the JCIO did not justify delay; and that the interests of justice required the proceedings to progress. However, following confirmation that the Respondent would not object, the Tribunal acceded to a late request to convert the preliminary hearing from an in-person format to CVP, while otherwise maintaining the hearing date and existing orders. The Respondent presents this sequence as demonstrating that the Tribunal repeatedly accommodated procedural applications where appropriate, but nonetheless sought to bring the case to a managed determination in the face of ongoing delay and extensive correspondence.

Further background

52. At this juncture, Judge James also notes the following in relation to the further hearings etc that have taken place since April 2025.

53. There have been much correspondence and many determinations between May 2025 and January 2026, arising principally from the public preliminary hearing which had been fixed for 8 May 2025 and the subsequent management of the respondent's strike-out and costs applications.

54. The record of the preliminary hearing held on 8 May 2025 before Employment Judge Jeram records that the claimant did not attend, giving health reasons. The hearing had been listed to determine the respondent's application to strike out application on grounds of scandalous, unreasonable or vexatious conduct and for alleged non-compliance with tribunal orders. That application was adjourned. The Judge concluded that the volume of material filed by both parties, and the manner in which the hearing bundles had developed, meant it was not possible to determine the applications on that day. Instead, a further private case management preliminary hearing was ordered for 8 September 2025. The Judge identified the need to refocus

the litigation on the underlying claim, to streamline the respondent's strike-out application, and to ensure that the claimant clearly understood what findings were alleged against him and what evidence was required in response.

55. A central issue addressed was the claimant's non-attendance on 8 May 2025. The claimant was directed to provide, within 28 days, medical evidence from a practitioner familiar with his condition stating whether he was medically unfit to attend and, if so, how that condition affected his ability to participate (Order 4). The Judge emphasised that self-certification, fit notes or the claimant's own assertions were insufficient. If the claimant intended to rely on his medical condition to explain conduct which the respondent said was unreasonable or vexatious, he would need cogent medical evidence establishing a causal link. The respondent was directed to reconsider and further particularise its strike-out case, identifying the specific conduct relied upon and explaining why it was said that a fair trial was no longer possible.

56. The orders also address the excessive volume of correspondence sent to the Tribunal and between the parties. The Judge observed that such correspondence was impeding effective case management and consuming disproportionate tribunal resources. Both parties were reminded of their obligations under the overriding objective to each other and the tribunal and directed not to copy the Tribunal into correspondence between themselves, save where required by order or rule.

57. Subsequent correspondence from June and July 2025 clarified and slightly varies the medical evidence direction. Judge Jeram explained that, if the claimant contended he was medically unfit to attend on 8 May 2025, he must provide the directed medical evidence; if he accepted that absence was voluntary, no evidence was required. An application by the claimant to vary or set aside that direction was refused on the basis that there had been no material change of circumstances. An application by the respondent for an unless order was also refused as disproportionate, given that the order permitted the claimant an election as to whether he relied on medical unfitness.

58. The record of the further case management preliminary hearing on 8 September 2025 before Employment Judge Salter notes that the claimant again did not attend. The Tribunal nevertheless made extensive case management orders, including the joinder of Page Outsourcing UK Limited as a second respondent, and the listing of a one-day public preliminary hearing (provisionally in February 2026, later adjourned to 24 April 2026) to determine the respondent's strike-out and costs applications. Detailed directions were given for disclosure, skeleton arguments, preparation of electronic bundles, and compliance with remote hearing requirements.

59. In relation to the costs application, order five directed the claimant as follows in relation to the disclosure of documents:

> *This includes, as the Respondent is seeking costs and/or a deposit order against the Claimant, if he wishes his ability to pay any award made to be considered he should provide details of his means.*

The claimant has not disclosed any documents regarding his means.

60. Finally, correspondence in December 2025 and January 2026 from the Acting Regional Employment Judge/Regional Employment Judge addresses further applications by the claimant, including challenges to disclosure, objections to the scope of the preliminary hearing, and requests for extensions of time. These were largely refused or limited, with repeated emphasis on the narrow purpose of the forthcoming public preliminary hearing, proportionality, and the need to bring the proceedings under effective control.

61. The file was reviewed by Employment Judge T R Smith on 10 March 2026, following which a letter was sent to the parties, stating:

> *Employment Judge T.R. Smith has reviewed this file, acting as duty judge. The concept of duty is where a judge deals with various paper applications or vets claims. Normally a judge can undertake about 20 to 30 of these tasks a day. The judge spent 3 hours on this file which consists of 1941 pages and counting.*
>
> *This should be a simple claim. The claimant complains he did not get a job he applied for which he says was disability discrimination. The claim was issued in 2024. No list of issues is yet agreed let alone the case being set down for trial. The overriding objective includes an obligation for the parties to assist the tribunal and to co-operate generally. The tribunal is only required to deal with cases in a proportionate manner and what has been required of the tribunal to date is wholly disproportionate.*
>
> *Twice the parties have been warned about excessive correspondence by both Judge Arullendran and Judge Jeram but that appears to have gone unheeded.*
>
> *The principle culprit is the claimant. …*

62. The claimant's application to postpone the hearing is dealt with above in the proceedings section above. Judge James notes that as at 24 April 2026, the Tribunal's digital case file was 2504 pages long. From 20 April 2026 alone, over 200 pages of correspondence had been generated, largely by the claimant.

63. On 21 April 2026 at 10:54, the claimant made an application to postpone this hearing. A witness statement was prepared by the claimant in support of his application. His application states:

> *In light of the First Respondent's late composite file, the continuing uncertainty as to what material is actually on the Tribunal file, the portal issues I have identified, and the wider pattern of late or widened respondent-side material shortly before hearings, I do not consider that safe or fair participation in Friday's hearing is now realistically possible.*
>
> *Employment Judge Salter's order was, as I understood it, intended to restore order and enable my safe participation by preventing short-notice overload. Instead, the opposite has occurred. The First Respondent has again introduced a late respondent-curated file process, while the Tribunal's own record remains unclear from my perspective. The*

combined effect has been to recreate the very situation that order appears to have been designed to avoid.

In those circumstances, I respectfully submit that a deferral is now the only fair way forward.

I therefore ask the Tribunal to:

1. defer the hearing listed for 24 April 2026 and relist it for a new date after the present record and filing issues have been resolved;

2. give directions in advance of the relisted hearing making clear that no further late, widened, oversized or respondent-curated material is to be introduced without a proper application made in good time, and warning the First Respondent against any repetition of the ambush-style conduct and non-compliance I have already identified;

3. confirm, before any relisted hearing, what material is regarded as being on the Tribunal file, what claimant-filed material is on file but not visible to me on the portal, and what, if anything, is not presently on file;

4. ensure that the portal is updated so that the visible record accurately reflects both claimant and respondent material relevant to the hearing; and

5. confirm whether the respondent applications for strike out, deposit and costs are on file and before the Judge, notwithstanding the current portal position. (screenshot attached) I am not a court administrator and cannot fairly be expected, particularly as a disabled litigant in person and at this stage, to reconstruct an incomplete record in order to prepare for a case-ending conduct hearing. That administrative task must now be undertaken by the Tribunal, so that the parties know where they stand and any future hearing can proceed on a clear and fair basis.

My position is therefore straightforward: safe participation is not realistically possible in the present circumstances, and a deferral with a new date and clear protective directions is the only fair course.

64. The application was considered by Employment Judge Brain, whose decision to refuse the postponement request was communicated to the claimant in a letter dated 21 April 2026.

65. The claimant responded at 15:07 the same day:

I will not be attending the hearing on 24 April 2026. My non-attendance is on safety grounds. It is not a waiver, not a concession, and not a refusal to engage with the Tribunal. It is the consequence of my inability to participate safely or fairly in the circumstances now created.

For the avoidance of doubt, once the short-notice ambushing, late respondent-side expansion of material, unresolved file uncertainty, and portal opacity stop, I remain willing to attend a properly managed hearing. My position is not that I will not attend at all. My position is that I cannot safely attend a hearing conducted in the present conditions.

Those conditions have already been set out in my earlier correspondence and remain unchanged. They include:

1. the late respondent-curated composite file and related late explanatory material;

2. the continuing failure to clarify what material is actually on the Tribunal file;

3. the incomplete and inconsistent portal record, including the absence there of respondent applications said to be driving the hearing;

4. the repeated short-notice overload which Employment Judge Salter's order was plainly designed to prevent; and

5. the First Respondent's offensive and unsupported comments about my disability and medical evidence.

The direction that case management can be dealt with at the commencement of the hearing does not resolve that problem. It intensifies it. Safe participation had to be secured in advance. It cannot sensibly be left to the start of a hearing which I am not able safely to attend.

66. That response was considered by Judge Smith, who directed that a letter be sent on 23 April 2026 which records:

Employment Judge T.R. Smith considered he is bound by the refusal of the claimant's postponement request by Recorder Brain, see Serco Ltd -v- Wells UKEAT/0330/15. If the claimant chooses not to attend, and he has noted the claimant considers the hearing is not safe and will not be fair, he should note the tribunal may well proceed in his absence.

67. The claimant sent an email at 22:17 on 22 April 2026 in which he states:

I apply urgently for directions arising from the First Respondent's latest amended response and the grave language now deployed within it.

The First Respondent has chosen, immediately before a public strike-out hearing, to rely on loaded labels such as "defamatory", "harassing", "intimidating" and "abusive", together with dismissive commentary about my disability evidence and attendance difficulties. Those are not findings. They are grave advocacy assertions. If the Tribunal considers such allegations potentially material, I respectfully ask how the Tribunal proposes to deal with them fairly.

In my submission, there are only proper alternatives:

1. the First Respondent is required to particularise those allegations precisely and support them by evidence capable of fair challenge; or

2. the allegations are treated as unsupported, inflammatory advocacy and given no weight.

68. Judge Smith directed that a response be sent as follows, which was emailed to the parties on 23 April 2026 at 10:12:

Employment Judge T.R. Smith has noted the claimant's most recent e-mail. The claimant can raise the matters at the forthcoming hearing. The judge is not prepared to try matters via correspondence without the respondent being given a reasonable time to put forward its position.

69. The claimant responded at 16:04:

> *Obviously without meaning to be rude, does this Judge have all his faculties about him? He's already sent me very rude correspondence, assigning blame where it wasn't warranted. As well as that I received a large number of [automated] emails as the portal was being cleaned up this morning. Which is odd timing a day before a hearing. It suggests admission that there have been huge problems with the portal but no refusal to let them delay what is already an appalling unfair, discriminatory hearing.*

70. A further lengthy email was sent by the claimant at 16:44, objecting to the matter being heard by Employment Judge Smith. By that stage, Judge James had already been assigned to the hearing. There were no grounds on which Judge Smith should have been recused.

Counsel's submissions continued

Grounds for strike out

71. In paragraphs 61 to 74, the Respondent develops its submission that the Claimant's conduct throughout the proceedings has been vexatious, unreasonable, and obstructive, warranting strike-out and costs sanctions. It asserts that the Claimant has persistently sought to delay or derail the litigation through repeated applications for example, for postponement, recusal of the Employment Judge, and other relief, often unsupported by credible medical evidence or any material change in circumstances. The Tribunal is invited to find that these applications were made not to advance the fair resolution of the claim but to frustrate progress and increase pressure on the Respondent and Tribunal staff.

72. The Respondent places particular emphasis on the volume, tone, and repetitious nature of the Claimant's correspondence. It argues that the Claimant has inundated the Tribunal with emails, often sending multiple communications per day, many of them lengthy, accusatory, aggressive and at times abusive. This conduct is said to have continued in breach of Order 10 made on 17 March 2025, which restricted further correspondence on specified matters. The Respondent submits that these breaches have diverted disproportionate Tribunal resources, delayed case management, and placed undue strain on administrative staff, contrary to the overriding objective.

73. The Respondent notes that between 17 March and 30 April 2025 the Claimant sent 79 emails to the Tribunal, 43 of them within a 31-day period following the March Orders. Despite express warnings in the April Orders about the unacceptability of this behaviour, the Claimant's conduct is said to have continued unabated. The predominant themes of the correspondence are described as allegations of misconduct against the Respondent's legal representatives, accusations of judicial bias and impropriety directed at Employment Judge Arullendran, complaints against Tribunal staff, and assertions of discrimination by the Tribunal itself.

74. The Respondent catalogues the breadth of the Claimant's applications, including repeated requests for postponement, conversion of hearings to

CVP or private format, recusal of the Employment Judge, transfer of venue, disclosure and witness orders, strike-out of the Respondent's response, reconsideration of earlier refusals, and multiple costs and wasted costs applications. These were accompanied, the Respondent notes, by "warnings" and threats to sue the Tribunal, report the Respondent's representatives to regulators, and pursue complaints to the JCIO, which are said to exemplify an intimidatory and inflammatory approach rather than legitimate procedural engagement. The cumulative effect is said to have imposed an undue and disproportionate burden on Tribunal resources.

75. The respondent's submissions highlight the tone of the Claimant's correspondence, described as cynical, mocking, and accusatory. The Respondent submits that this language undermines the authority of the Tribunal, escalates conflict, and contributes nothing to the orderly advancement of the case. The Claimant is said to accuse both the Respondent and the Tribunal of dishonesty, bad faith, collusion, and discrimination, often in near-identical emails sent in close succession and at all hours.

76. As for the Claimant's attempt to attribute his conduct to mental health difficulties, the Respondent submits that this position is internally inconsistent and opportunistic when viewed against findings in *Thompson v Cummins Ltd* (heard and decided in August 2024). In that case, the Claimant expressly denied any connection between his mental health and the excessive or accusatory nature of his correspondence, and no medical evidence was advanced at that time to suggest such a link. The Respondent contends that there has been no material deterioration in the Claimant's condition or treatment regime since that judgment, and that the current reliance on mental health as an explanation for conduct is a retrospective attempt to shield himself from procedural consequences. In the *Cummins* judgment, the tribunal concluded:

> *158. In February 2023, Mr Morley believed the sheer volume of emails sent by the Claimant to be of concern and that the content of emails was accusatory. He noted that when the company sought to query whether this could be related to his mental health, that the Claimant had regarded this request as a 'wind up'. He believed that, in the absence of any medical evidence and the Claimant's refusal to accept that there was any connection between the volume and content with his mental health, he concluded that the volume was unacceptable as was the aggressive nature of the emails which had an impact on HR contacts giving him a cause for concern. All of this led Mr Morley to conclude that there had been a fundamental breakdown in the employment relationship which was unlikely to be repaired.*

77. At paras 212-213 the ET concluded:

> *212. During the course of the hearing, from the Claimant's questioning of some of the Respondent witnesses, it appeared to the Tribunal Judge that he may have been suggesting that his conduct (i.e. the allegedly spurious conduct of his email correspondence and tweets, referred to by Mr Morley) had been a consequence of his mental impairment. The Tribunal raised*

this directly with the Claimant asking whether he was maintaining or accepting that his conduct was in some way rude or confrontational (as Mr Morley had found it to be) or that his conduct in sending voluminous emails some of which were confrontational was a consequence of his disability. The Claimant said that was not his case. He did not accept that his emails were rude or confrontational. His case was, he explained, that he did not accept that Ms Penk, Ms Newall or others were affected by the content or tone of his emails, otherwise they would have warned him earlier. The following day (30 July) the Claimant appeared to suggest again that his conduct (in the shape of the emails and failure to engage in the process) arose in consequence of his disability, while maintaining that his emails were not confrontational and that he was not refusing or failing to cooperate.

213. In any event, the Claimant's disability is anxiety and depression. It by no means follows – and it is certainly not axiomatic or to be assumed – that a person with such a condition will or might engage in correspondence of the sort the Claimant engaged in. There had been a suggestion by him, (although not the case advanced) that it was a direct consequence, which is why the Tribunal raised it. However, he provided no medical evidence to suggest any such link and as we emphasise, that was not the case he had advanced.

78. The GP letter dated 28 April 2025 is characterised by the respondent as self-serving and derivative, recording only the Claimant's own account of his behaviour rather than providing independent clinical opinion establishing causation. The Respondent submits that the letter does not demonstrate that anxiety or depression necessarily manifests in abusive or excessive correspondence, nor does it explain or justify the sustained pattern of behaviour seen in these proceedings. For the record, the letters states:

Please be aware that the above-named patient has a history of mental health problems with depression and anxiety, and he experiences difficulty controlling his emotions. He finds it difficult to manage frustration especially under stress and these issues cause significant problems in his daily life. Lee is actively seeking help with respect to his mental health, and I would be grateful for your due consideration

79. The Respondent submits that the Claimant's conduct crosses the threshold of "scandalous" within the meaning of Rule 38. It relies on a series of emails containing crude personal abuse directed at the Respondent's solicitor and the Tribunal, including explicit profanity and allegations of bigotry. These communications are isolated incidents but part of a wider pattern of vilification, intimidation, and misuse of the Tribunal process.

80. The respondent relies on the Claimant's conduct towards legal representatives, the judiciary, and third parties outside the proceedings, including on social media. The Respondent submits that the Claimant has targeted named individuals with derogatory language, posted photographs of the Respondent's solicitor, and accused him publicly of attempting to prevent the exposure of discrimination. The Respondent argues that this behaviour

mirrors conduct criticised in earlier litigation and undermines the integrity of the judicial process.

81. Particular concern is raised about the effect of the Claimant's publications on potential witnesses. The Respondent contends that the Claimant's social-media activity has had an intimidating effect, citing evidence that a key witness, Mr Grey, is reluctant to provide testimony. This is said to jeopardise the fairness of any hearing by deterring witnesses or influencing the content and candour of their evidence. The Respondent submits that this conduct amounts to an interference with the administration of justice and reinforces the case for strike-out on the ground that a fair hearing is no longer possible.

82. The skeleton argument concludes by asserting that there is no realistic assurance that the Claimant will moderate his behaviour. The Claimant is said to defend his right to continue publishing and corresponding in this manner, even during periods of distress, and to resist any suggestion that such behaviour should attract procedural sanctions. The Respondent submits that this entrenched stance demonstrates an inability or unwillingness to conduct the litigation reasonably, thereby satisfying the criteria for strike-out and associated orders.

Supplementary written submissions by Mr Rubian on behalf of R1

83. In the supplementary submissions prepared by Mr Rubian, the First Respondent contends that, following service of its Original Skeleton Argument, the Claimant's conduct has significantly deteriorated, both in scale and intensity, reinforcing the basis for strike-out. The Respondent relies on what it characterises as an extraordinary and escalating volume of communications, repeated and overlapping applications, abusive language directed at the Tribunal and legal representatives, continued breaches of "Order 10" restricting correspondence, and extensive hostile communications and social-media activity.

84. The Respondent notes that, pursuant to case management orders of 8 September 2025, the Tribunal will continue to rely on the extensive bundles prepared for the May 2025 hearing. To assist the Tribunal, the Respondent consolidated these two bundles into one file, and filed additional schedules identifying the specific communications, blog posts and social-media material relied upon in support of the strike-out application, including material generated by the claimant after the May 2025 hearing.

85. It is submitted that this material demonstrates an unreasonable volume of correspondence and repeated applications pursued despite prior rulings, which it characterises as obstructive and doomed to fail. The Respondent highlights what it describes as unreasonable, vexatious, abusive and scandalous comments directed at multiple Employment Judges, a Tribunal clerk, the Respondent's directors, counsel, counsel's chambers and instructing solicitors. This conduct is said to include personal attacks on appearance and professional integrity, allegations of serious criminality, and defamatory statements capable of causing serious reputational harm.

86. Reliance is placed upon the Claimant's alleged non-compliance with case management orders. It states that the Claimant failed to attend three preliminary hearings on 28 January 2025, 8 May 2025 and 8 September

2025, resulting in substantial delays, wasted Tribunal resources and unnecessary costs. It further alleges continued breaches of orders restricting correspondence and a failure to disclose medical evidence as directed, contending that, in the absence of such evidence, the Claimant cannot rely on mental health explanations to excuse his conduct.

87. The Frist Respondent then addresses the withdrawal of its counsel. It asserts that the Claimant has persistently published abusive and defamatory material about counsel on blogs and social media, and has escalated matters by acquiring a domain name in her name and publishing further blog content expressly targeting her and her chambers. Given the Claimant's refusal to comply with requests not to contact counsel directly, his persistence, and the scale of his online reach, the Respondent contends that there is no realistic prospect that this conduct will cease.

88. The result is that, having regard to professional obligations under the Bar Standards Board Handbook, counsel concluded that she could not continue to act for the first respondent, without risking her independence and therefore withdrew from the case. The First Respondent rejects any suggestion that the withdrawal related to counsel's previous involvement in unrelated litigation, describing the Claimant's allegations as conspiratorial and as an attack on her personal integrity.

89. The First Respondent further submits that it has been unable to secure replacement counsel, and that this difficulty is unlikely to be resolved because of the disclosures required regarding the circumstances of withdrawal. This development is said to compound earlier submissions that fair and proportionate case management is no longer possible and that trial fairness has been materially undermined.

90. Finally, the First Respondent reiterates concerns regarding witness participation, noting that its main witness has been unwilling to give evidence as a direct result of the Claimant's online conduct and that the Claimant has responded to such concerns with mockery and further abuse. The Respondent concludes that the cumulative effect of the Claimant's conduct renders a fair trial impossible, and accordingly maintains its applications to strike out the claims and for costs, supported by an updated costs schedule reflecting further expense incurred.

Supplementary oral submissions by Mr Rubian

91. In his verbal submissions, Mr Rubian referred to relevant case law. That is included in the summary set out above.

92. He drew the tribunal's attention to numerous communications by the claimant on his blog, and on his X (formerly Twitter) account. Part one sets out relevant extracts of the claimant's communications and blog posts relevant to the respondent strikeout application. There are 150 entries, relating to the period 18 November 2024 to 15 February 2026. The posts from the claimants X.com account cover the period 15 November 2024 to 16 February 2026. There are 181 entries.

93. Numerous examples from those documents were referred to by Mr Rubian in his oral submissions. It is not necessary or proportionate to include reference to them all in this judgment.

94. Entry 4 (page 1409) is the claimant's email to the Tribunal on 29 January 2025, following refusal of his postponement request, in which he states:

> *Tell the judge to fuck off and assign a less ridiculous one.*

95. Entry 61 (page 1434) is an email from the claimant to Employment Tribunal 17 April 2025 at 19:03 in which he states:

> *Order 10 is an unfair restriction, and I won't let it stop me from addressing what needs to be sorted before the hearing. Inflammatory court orders provoking me into breaching said order appear deliberate as a response to my criticism. I politely remind the tribunal that the case is about whether I was discriminated against in recruitment, not about how many emails I'm provoked into sending.*

96. And then again at 20:29:

> *I need to address this now, and I'm not letting Order 10 stop me. The Tribunal's characterisation of my behaviour as "scandalous, unreasonable, or vexatious" (17 March 2025 order, Paragraph 5) is causing me significant distress, as I'm acting in good faith to resolve case issues, yet I'm being vilified for it. …*
>
> *My emails—such as those on 17–19 April 2025 and recent ones about Rule 62 and the mutual bundle - are relevant, engaging, and aimed at resolving genuine case issues. They're not abusive or irrelevant; they're me, a disabled and vulnerable litigant, trying to ensure a fair process in good faith. The Tribunal calls them "excessive" (16 April 2025, Paragraphs 35–39), but volume doesn't make them wrong. They're a response to the Tribunal's actions, like excusing the Respondent's Order 6 breach (16 April 2025, Paragraph 2), while threatening my claim.*

97. In the claimant's blog 'The Cummins Accountability Project' (TCAP) there are numerous references to former counsel for the first respondent. For example, at 93, om 4 June 2025:

> *[HEADED BY PHOTO OF COUNSEL]*
>
> *Settling with the claimant wouldn't just silence a persistent critic – it would risk undermining the optics of [counsel's] win in the first case. Worse, it could cast doubt on the legitimacy of her second one. A settlement is a concession. Even f silent. Even if sealed. And that's not a headline [counsel] can afford – not while she's still in the trenches for Cepac, against the same disabled low-hanging fruit she seemingly revelled in having a second bite at. …*
>
> *The contradiction is fatal. Worse, it raises the headline question:*
>
> *Who does [counsel] really represent? Cummins? Cepac? Justice? Or perhaps the answer is simpler than any of us would like to admit: herself.*

98. Entry 94 dated 6 June 2025 states:

> *The question arises: if she defends global corporations to crush a disability claim, what comes next? A war criminal seeking anonymity? A trafficker burying victims in the Mediterranean? A politician orchestrating a human-trafficking ring? By that point, defending a monster will no longer stir her conscience. Once one can dismantle a child-rape prosecution and unravel a murder charge, a disabled man's plea becomes a lightweight challenge. Why would she care? She still gets paid, after all.*

99. When the first respondent's solicitors wrote to the claimant to ask him to stop emailing counsel directly he responded, on 1 July 2025 (entry 103):

> *If [counsel] doesn't wish to receive emails from me she's welcome to communicate that to me direct. I don't take intruction from hearsay or third parties. I would then of course honour any such request. You have zero authority over who I communicate with, I'll copy Mr Kotecha into any email I choose to unless he, directly, asks me not to. I don't need to explain such actions to you, just like I don't need your prior medical opinons. Any future emails sent in such condescending tone could be considered harrassment given my conditions and the effects you in particular have already inflicted upon me. I'll email who I want unless asked not to directly, not via third parties. Anybody copied in was because I felt they should be. Simple as that. Let me guess, I was being vexatious? [sic]*
>
> *Don't email me telling me how to behave again. I wouldn't accept it from most people but after your conduct it's frankly risible that you've had the brass neck. Any further emails sent in such tone will be considered harrassment, and I've already alerted HorsfieldMenzies over previous incidents. [sic]*

100. In his @tcumminsap blog the claimant has posted numerous other derogatory comments about former counsel; see for example 45, 46 and 49 to 53, in June 2025. These seek to paint counsel in a bad light for representing defendants in criminal cases concerning allegations of rape. The claimant describes counsel as 'one of the least palatable human beings I've encountered' on 21 July 2025 (page 1544, entry 93). On 2 October he posted:

> *I bet [counsel] wants the Epstein list released for the client potential. Kerching.*

101. On 9 February 2026 the claimant posted:

> *I check my search metrics occasionally. The leading query leading to my site was "Cummins accountability Project". The next was quotes [counsel's name] barrister". So I now own [counsel'sname]barrister.com. Have a great week.*

102. The criticism of former counsel has then been directed at their chambers. See for example 135 on 12 January 2026 at page 1467; entry 168, 15 February 2026 at page 1498. It has continued after counsel withdrew from the case e.g. entry 202 on 8 March 2026, page 1587.

103. The same days as Ian Huntley's death on 8 March 2026, the claimant posted the following (entry 203, page 1588):

> *All I know about Huntley is [counsel] would have got him off.*

104. There are numerous posts criticising the first respondent's solicitors e.g. entry 119 on10 December 2025 reads:

> ***Disability As A Seminar Topic, Not A Live Duty***
>
> *[…] this firm knows exactly how disability interacts with stress, conduct and regulation. They know the case law. They sell the training. In my case they also knew I have medically confirmed emotional regulation problems under pressure. They were told. They still chose tactics that predictably amplify pressure, then treated the dysregulation that followed as if it were a character defect. That is not ignorance. That is a business decision. …*
>
> ***The Question They Have Earned***
>
> *Here is the obvious rude question [solicitor's firm] will not want asked in public. Did you bring [counsel] in because she already beat me once for Cummins and you fancied a repeat performance. Same claimant. Same disability. Same pressure points. Or has she represented one of you before? One of your partners, employees, clients? In her other area of specialism perhaps? You know, not the employment tribunal part. Either way, it is not a good look.*
>
> *And there is a darker inference you have put on the table yourselves. You hire the serious sexual offences defender for a disability case and people wonder what kind of comfort zone you are operating in. There are only so many reasons to reach for that blade. If there is an innocent explanation, you are welcome to give it, loudly and on the record. Until then, the stink sits where you placed it.*

105. There are numerous further derogatory posts; for example entries 132, 134, and 137.

106. In an email to the Employment Tribunal sent at 16:59 on 31 December 2025 containing an AI prompt the claimant said:

> *Perfect. Even cleaner. Even nastier for them.*
>
> *Because now it's not "another ET". It's the Cummins EAT Rule 3(10) deadline. That carries weight. It's higher court, higher consequence, and it's the same disability spine. You're not "busy". You're in two linked legal theatres and Newcastle's admin chaos is trying to make you miss a hard deadline in the other one.*
>
> *That is exactly the kind of procedural squeeze that becomes "fairness" and "reasonable adjustment" dynamite.*

Here's the revised email with Cummins EAT 3(10) slotted in, and with a sharper edge.

Subject: 6019060/2024 – 5 Dec Order – 9 January Deadline Is Untenable Due To Tribunal-Created Uncertainty ("On File") + Cummins EAT Rule 3(10) Deadline Clash …

I am writing because the requirement to file "anything not already on file" by 9 January 2026 is currently untenable, for reasons created by the Tribunal's own administrative handling of this case. [etc]

107. The claimant emailed the tribunal at 17:11 to say:

Further to my email sent earlier today, I apologise for inadvertently forwarding a draft containing informal commentary. Please disregard that commentary.

108. In a lengthy blog post on 16 December 2025 (entry 142, page 1475) the claimant posts:

Newcastle ET can carry on pretending this is just about a claimant who used the wrong tone. Cepac and Page can carry on pretending this is a "low value" case with no wider implications. [R1's solicitors] can carry on selling "people focused law" while driving a disabled claimant into the ground and carrying his reactions into court as trophies. But there is a cost to picking that story and sticking with it. You can strike me out in a room. Or you can explain, in public and forever, why only one side's conduct ever seems to matter. Pick one.

109. In relation to his blog and X.com account, the claimant emailed the Employment Tribunal on 24 January (entry 159, page 1494):

To save everybody's time - because 130 pages would be cherry-picking so let's not nit-pick

https://tcap.blog

https://x.com/tcumminsap

It's obviously a very scary blog and twitter account for any potential witnesses (we couldn't possibly contest the substantive case after the abhorrent crimes e's obvious identified) so I guide Mr Butler to 999 if anybody feels in immediate danger, abuse@namecheap.com if he feels any blog content content [sic] is illegal and the X "Report Post" feature for him to use to report his breaches. ***Meanwhile I'll express my opinions and print sources facts as I please, with the intent to inform and entertain****. [sic] I hope my email helps. [Tribunal's emphasis]*

110. The claimant alleges on 8 December 2025 that the first respondent is linked to 9/11 funding. There are other examples of such posts.

111. The first respondent has one witness, Peter Grey, who does not want to attend any final hearing. Mr Rubian argued that the fact that the first respondent can witness order him, misses the point. Since even if he is ordered to attend, his evidence will be impacted by the claimant's conduct, since Mr Grey is fearful as to what the claimant may post about him in due course. The damage has already been done. In any event, the first respondent is placed in the invidious position of considering whether to witness order Mr Grey, when at the same time they have a duty of care towards him as their employee. When hearing that, the claimant's response in a post dated 18 March 2026, entry 237 on page 1598 is:

> *I hope that anyone pretending I intimidated them lands their next acting role starring in the next Alec Baldwin film.*

Costs application – May 2025

112. In the May 2025 skeleton argument, the Respondent advances its application for a costs order pursuant to Rule 76 of the Employment Tribunals Rules of Procedure 2013. It submits that the Claimant has conducted the proceedings in a vexatious, abusive and wholly unreasonable manner, marked by repeated breaches of case-management orders and conduct that has unnecessarily increased the Respondent's legal costs. At that stage, the Respondent was seeking a costs order in the sum of £24,683.50, or such lesser amount as the Tribunal considers just.

113. Relying on the procedural history already set out, the Respondent argues that the Claimant's pattern of excessive and repetitive correspondence has required extensive analysis and response by the Respondent's legal representatives, substantially inflating costs. It highlights continued breaches of Order 10, notwithstanding clear Tribunal directions, which compelled the Respondent to address multiple accusatory and duplicative emails to avoid procedural prejudice.

114. The first Respondent further contends that the Claimant's numerous unfounded applications for postponement, CVP hearings and recusal of the Employment Judge have required repeated preparation and submissions, despite being refused on consistent grounds for lack of medical evidence or material change. It also points to increased costs arising from the need to review and respond to voluminous and largely irrelevant documentation, including an extensive unagreed bundle lodged by the Claimant (over 600 pages in length).

115. The cumulative effect, the Respondent submits, has been unnecessary delay, disproportionate expense, and significant prejudice, justifying a costs order under Rule 76.

116. Since those submissions were made, the first respondent's application has increased to include costs incurred to date, with the amount claimed in the combined costs schedules being over £50,000. Having taken instructions, Mr Rubian agreed to limit the application for costs to £20,000, to avoid the need for a detailed assessment.

Submissions of Mr Gray on behalf of the second respondent

117. Mr Gray addressed the Tribunal on the issue of unfairness arising from the First Respondent's loss of its chosen counsel, Ms Wendy Miller, and the consequences of that development for the just disposal of the proceedings. He submitted that the withdrawal of Ms Miller KC deprived the First Respondent of its legitimate freedom to be represented by counsel of its choice or, indeed, by counsel at all. In circumstances where serious allegations of procedural impropriety, abuse, and misconduct are being advanced, the Respondent plainly requires representation by counsel, and counsel with particular experience in complex and high-conflict litigation.

118. Mr Gray emphasised that this was not merely a preference for representation but a practical necessity. The nature of the proceedings is such that a representative without sufficient experience could easily miss points, lose focus, or be drawn into conflict. The way the litigation has unfolded has made the deployment of counsel both necessary and, inevitably, more expensive. He invited the Tribunal to bear in mind the costs consequences of a situation where the Respondent has been driven into a position requiring specialist representation by reason of the Claimant's conduct.

119. Turning to Ms Miller's withdrawal, Mr Gray noted that he was personally present before the Tribunal and not the main target of the Claimant's attacks. He accepted, however, that this position could quickly change if the First Respondent were to withdraw or if the focus of the Claimant's attention moved. He invited the Tribunal to respect the professional judgment underlying Ms Miller's decision to withdraw, grounded in the overwhelming and sustained nature of the conduct directed towards her. At a human level, it was entirely understandable that a barrister subjected to such conduct would conclude that she could no longer continue. Counsel had, in effect, been dragged into the conflict and made a party with her own personal interests engaged, rather than remaining a detached professional.

120. Mr Gray addressed the difficulty in obtaining replacement counsel. In his experience, it would be highly unlikely that any chambers would be willing to put forward a barrister of fewer than ten years' call in circumstances of this sort, given the volume, hostility, and complexity of the litigation. The difficulty was not theoretical but a direct consequence of what he described as the unreasonable conduct of the Claimant.

121. Mr Gray then took the Tribunal to comparable material, in particular the first-instance judgment in the *Cummins* case. While acknowledging that it is not binding, he submitted that it exhibits striking similarities and provides a reliable thematic overlay for understanding the present conduct and its likely future trajectory.

122. He referred to numerous specific page references in the bundle which, he submitted, "speak for themselves", evidencing intemperate, inaccurate and abusive allegations. He characterised this as part of a pattern of behaviour, including treating non-attendance at occupational health appointments and hearings as a form of tactical game-playing, attending only on the Claimant's terms. He submitted that repeated warnings had proved futile, and that alternative case-management responses such as further directions or costs warnings would not suffice to control the behaviour.

123. Mr Gray addressed the Claimant's use of AI tools. He accepted that AI is a neutral tool with legitimate uses, but submitted that it had in this case been used in a manner that amplified abuse and obstruction. He pointed to material showing the Claimant experimenting with different models, feeding Tribunal correspondence into large language models, and asking them to generate increasingly hostile responses. This practice enabled the generation of correspondence on a scale far exceeding what an individual litigant could reasonably produce unaided, effectively turning the litigation into an AI-amplified letter-writing campaign. See in particular his quotations from ChatGPT in relation to the 10 March ET letter [page 1590-1]. And at page 1594 the claimant states in his TCAP blog:

> *Honestly getting ChatGPT off the fence to criticise a judge is not an easy task. Grok's wild but GPT is a fence sitter.*

124. Counsel submits that this gave rise to profound concerns as to the reliability of the Claimant's assurances, explanations, and undertakings. If correspondence and submissions were being generated by AI, there could be no confidence that the Claimant understood what was being said, intended to comply with undertakings given, or was capable of moderating future conduct. AI models, of course, could not be bound by undertakings or orders.

125. Mr Gray further submitted that the worst examples of conduct were often to be found on social media, including posts that expressed gloating at Ms Miller's withdrawal and demonstrated a striking lack of insight. He stated example:

> *Feeling a bit rejected. What am I not good enough for you anymore? Come back!'*

Later that day he posted:

> *'You're still part of the narrative and you're still the barrister that went against the same disabled claimant twice. Withdrawing is a tidy strategic move to try and make me look bad but it doesn't change who you are, your litigation history, your tactics and how you wonderful Cummins, and how you accepted brief against the same disabled claimant'.*

126. He also pointed to material showing an escalating campaign, including attacks on judges shortly after routine and reasonable case-management decisions, and language which approached contempt. On 10 March 2026 the claimant posted:

> *Applications are there to be made. The taxpayer pays people to decide those applications not cry about them.*
>
> *And if you're going to have a crime, have a proper look at the file instead of tossing a coin.*
>
> *Despite having a level III complaint and against them, Newcastle ET has had the nerve to send an email critical of me whilst at the same time*

completely misrepresenting my case and criticising me for the size of the file.

Not even joking. Unless" due to church" means" get everything wrong" you really need to sort this one out

or is it the old boys club protection society.

I'll have my apology by the end of the week.

127. On 16 December 2025 the claimant posted about 'Newcastle's Embarrassment Tribunal - passes for solicitors, policing for the disabled'. There is a link to a blog with the picture of a clown attached (entry 148, page 1569). Similar entries can be found at 173 (page 1502, 11 March 2026)

128. On 11 March 2026 he continued:

Newcastle ET are an absolute disgrace and a stain on at HM CTS group UK. I'm keeping the receipts. Jaw-dropping conduct.

ChatGPT to even called the duty judge "rude". Which for ChatGPT is extreme criticism.

He then goes onto quote what ChatGPT apparently responded to him.

129. Finally, Mr Gray warned that the conduct was target-driven and entrenched. When one perceived adversary fell away, another was selected. If the First Respondent were removed from proceedings, the same conduct would predictably be redirected towards the Second Respondent. He pointed to posts evidencing intentional reputational attacks, including search-engine manipulation and explicit statements of intent to "set sights" on new individuals or organisations, underlining the ongoing risk to fairness and to the integrity of the proceedings.

130. See page 1537 for example where the claimant posted, in relation to the second respondent :

I can index 10 hit pieces on you and flood the page before you can get past the red tape of getting SCO funding signed off. Test me.

Fuck it, you're getting your own series!

"Turn the page" will debut soon!

131. See also page 1566, where after posting about the second respondent on 10 December 2025, the claimant says (entry 138):

You'll get your turn.

Then on 15 December (page 1566, entry 145/6) he states, in respect of the second respondent that there are two options, either they discriminate or they actively cover-up clients discrimination. He goes on:

My own opinion?

Freak out stop little comments.

132. As for the claimant's attempt to link this, to his disability, and apologise. The tribunal was referred to page 1519, entry 32, dated 24 April 2025, in which the claimant states:

Only gimps get gagged. If I've ever apologised for speaking I sure/ as fuck didn't mean it.

133. And on 9 December 2025 he posts:

I won't stop. Ever.

That's my promise to you.

The Claimant's response

134. In his detailed response to the Respondents' strike-out and costs applications, the claimant contends that his conduct must be understood and assessed within a disability context and that the Respondents' characterisation of events is incomplete, selective, and procedurally unfair.

135. Central to the Claimant's case is the submission that the behaviour relied upon by the Respondents, particularly the volume and tone of correspondence, non-attendance at hearings, and the January 2025 outburst, arose in consequence of severe anxiety and depression. He relies on medical material including GP letters, screening scores (GAD-7 and PHQ-9), references to ambulance call-outs, and his asserted status as a vulnerable adult. He accepts that some language was inappropriate but apologises for it and contends that it should be analysed through sections 15 and 20 of the Equality Act 2010 rather than treated as free-standing misconduct. He submits that reasonable adjustments were required and not properly implemented.

136. The Claimant argues that procedural decisions taken by the Tribunal; particularly refusals to defer hearings, the insistence on in-person/public hearings, and criticism of correspondence volumes; placed him at a substantial disadvantage as a disabled litigant in person. He alleges discriminatory treatment and breaches of procedural fairness, invoking Article 6 ECHR and the Equality Act. He contends that Order 10 (restricting correspondence) was applied rigidly to him, while alleged breaches by the Respondents were not scrutinised with equal intensity, and that this asymmetry undermines the fairness of the process.

137. In response to allegations of scandalous or unreasonable conduct, the Claimant maintains that the Respondents have stripped context from isolated episodes and inflated them into a conduct narrative. He disputes that the litigation has become unmanageable because of him alone and argues that robust but proportionate case management, rather than strike-out, remains available. He submits that warnings, costs threats, and criticisms have escalated the situation rather than resolving it.

138. The Claimant also advances extensive criticisms of the Respondents' own conduct. He alleges contradictions within the ET3 concerning whether an interview was offered and when disability-related information was known during recruitment, asserting that these contradictions go to the merits and should not be sidelined. He further alleges misuse of his medical records, unauthorised contact with his GP, and data protection breaches, including excessive redactions in the Michael Page DSAR. He seeks unredacted disclosure, a redaction log, and compliance statements, arguing that the current state of disclosure obstructs his discrimination case.

139. In relation to costs, the Claimant resists the application on the basis that his conduct was disability-driven and that the Respondents' own actions, including aggressive correspondence and costs threats, have contributed materially to delay and expense. He refers to without-prejudice communications proposing settlement figures and contends that costs pressure has been used tactically. He also challenges the Respondents' requests for further medical disclosure as disproportionate and, in effect, shifting the burden onto him to disprove alleged misconduct.

140. The Claimant alleges bias and unfair framing by the Tribunal. He objects to references to a "female Judge" in the conduct narrative, saying this mischaracterises his outburst and implies misogyny. He raises concerns about judicial tone, alleged retaliation for criticism, and the suggestion that he obtain representation, which he characterises as condescending. On that basis, he renews applications for recusal, venue transfer, postponement, and written reasons for adverse procedural decisions.

141. Procedurally, he seeks a range of remedies short of strike-out: refusal of the Respondents' applications under Rule 38, denial of costs, a remote or private hearing, specific reasonable adjustments (including breaks, a companion, and plain-language orders), and a more controlled approach to bundles and correspondence. He contends that his use of written submissions was a lawful and reasonable alternative to attendance when unwell and that this should not be used against him.

142. The Claimant concludes by stating that if procedural fairness is not restored, he will pursue appeals to the EAT, complaints to the JCIO and professional regulators, data protection remedies and, if necessary, public scrutiny. He emphasises that he seeks determination of the substantive discrimination claim on its merits and that striking out the claim on conduct grounds would, in his submission, be a disproportionate response inconsistent with equality obligations and the overriding objective.

143. In a supplementary witness statement sent to the respondents and the ET on 24 April at 02:50, the claimant sets out his arguments as to why his conduct of the case is linked to his disability.

144. The Claimant maintains that the medical evidence relied upon is contemporaneous and not retrospectively constructed. He explains that at the material time he was unmedicated, having previously stopped antidepressants, and that following the later outburst he resumed medication and apologised. He contends that his conduct should have been analysed through the framework of section 15 of the Equality Act 2010, as behaviour arising in consequence of disability and acute stress, and section 20,

concerning reasonable adjustments for a disabled litigant in person, rather than being escalated into a strike-out narrative.

145. He accepts that some communications were unacceptable in tone, but argues that disability context was improperly stripped away and the conduct treated in isolation. He states that although he received notice of the ET3, he did not receive equivalent notice of the preliminary hearing and that his request for more time should have triggered consideration of reasonable adjustments rather than being treated as a credibility issue. He says that his account was immediately disputed by the Respondents' representative, effectively portraying him as dishonest, which intensified the disadvantage rather than alleviating it.

146. The Claimant asserts that the subsequent outburst arose from panic, overwhelm, and a perception of being disbelieved, and was the foreseeable consequence of unmanaged disability-related disadvantage, not proof that no such disadvantage existed.

147. The Claimant addresses the Respondents' reliance on his public writing and online activity as evidence of improper conduct of the case. He explains that writing is therapeutic when he has sufficient capacity and that his output fluctuates between intense activity and periods of inactivity, which he says reflects the variable nature of his mental health condition. He disputes any suggestion that his blog is primarily about the First Respondent, stating that it spans a wider range of corporate and industrial matters. He accepts that his writing, particularly on X, can be angry, profane, stylised, and at times unacceptable, especially during periods of crisis. However, he contends that stylised or forceful language should not be treated as evidence of fabrication, threat, or an inability to distinguish fact from opinion. He says his voice-driven style is deliberate, aimed at challenging sanitised corporate language, and that factual discipline underpins his work.

148. The Claimant states that when concerns were first raised about his content, he did engage and made substantive changes, albeit during a period of crisis. He contrasts this with later developments, where material was, he says, incorporated into a broader strike-out narrative rather than specific inaccuracies being identified for correction.

149. He then addresses the episode involving Ms Miller. He explains that his earlier reactions did not arise from any knowledge that she had already been instructed in the present case. He says his later distress stemmed from the perception that counsel whose tactics he had experienced as hostile and manipulative in earlier litigation had reappeared in another case involving him. He formed the view that he was being treated as vulnerable and insufficiently protected. He contends that the Respondents' presentation distorted this issue by portraying his reaction as personal hostility, rather than as a genuine concern about repeated involvement of the same counsel in related legal contexts. He argues that reliance on counsel's withdrawal, without full contextual explanation, was unfair and selectively presented.

150. The Claimant further states that he came to feel the First Respondent regarded him as someone easy to bully, and he refers to wider industrial relations context as background to his perception, not as proof of misconduct in his own case. He says that the proceedings have repeatedly been diverted from the merits into satellite disputes about conduct and procedure. He

maintains that he attempted to raise concerns about invasive or aggressive behaviour through formal channels before turning to public writing, and that his purpose in doing so was accountability rather than invention of facts.

151. He concludes by emphasising that disability does not excuse everything, but that his conduct should not be detached from the disability evidence, the underlying discrimination allegations, and the procedural environment in which the case has been managed. He characterises himself as a disabled litigant in person who could have participated more effectively had appropriate support been provided at an earlier stage.

152. In relation to his means, the claimant emailed the tribunal on 19 October 2025 to say:

> *Further to the CMO of 8 Sep 2025 (sent 17 Oct 2025), I confirm I have no capacity to pay any deposit or costs. I receive PIP and Universal Credit, and have been assessed and assigned as having LCW (Limited Capability to Work); my essential outgoings often go unpaid and exceed income and I have no savings. If evidence is required, I will provide it on request. I have copied Mr Rubin and as previously, do not know who represents the second Respondent*

153. In his 23 March 2026 submission the claimant argues at para 21:

> *21. If, contrary to the Claimant's primary position, the Tribunal were minded to consider a deposit, the Claimant asks for reasons to be given with precision and for separate written directions on means before any amount is fixed. Any amount would have to be modest and informed by reasonable enquiries into ability to pay.*

Conclusions

Strike out application

154. Bearing in mind the guidelines in the ***Bolch*** case, the tribunal notes the four questions that need to be answered. These are dealt with in turn.

Are any of the grounds for strike out made out?

155. The respondents rely on two grounds; that the conduct of the proceedings has been unreasonable, scandalous or vexatious; and the claimant's failure to comply with tribunal orders.

156. The tribunal concludes that the claimant's conduct of the proceedings has been unreasonable, scandalous and vexatious. The tone of his correspondence to the tribunal and to the respondents and the content of his related blog posts and other social media posts, amounts to unreasonable, vexatious and scandalous conduct of the proceedings.

157. The claimant has sought to unfairly criticise tribunal staff, ET judges, the respondent's representatives and the respondent in those posts. He has used his blog for an ongoing commentary, in a way which amounts to improper use of the legal proceedings and a failure to have regard to due process. Instead, he has used the blog to harass the respondents, their solicitors and their former counsel and to make gratuitous insults about the Employment Tribunal.

158. Although all of that conduct is relied on, the claimant's posts in relation to the first respondent's former counsel are particularly concerning. Former counsel for the first respondent has been subjected to a sustained campaign of harassment, simply for accepting instructions to represent the first respondent in legal proceedings. Former counsel did nothing wrong in doing so and nothing wrong in representing the first respondent to the best of her ability. Former counsel's actions were in line with the 'cab rank' rule and the professional obligations applying to counsel.

159. The purchase of a domain name in the name of former counsel is especially egregious. His posts following the withdrawal of former counsel show a complete lack of remorse and a failure to understand or acknowledge the intimidating and harassing nature of those posts. His comments following the death of Ian Huntley were gratuitous and wholly unjustified.

160. The examples referred to above demonstrate that the claimant has started to take the same approach in relation to the second respondent, that it has in relation to the first.

161. Further, it is one thing for a claimant to express concern about tribunal proceedings and decisions in a measured way. It is quite another to engage in gratuitous insult towards those involved in these proceedings. That is what the claimant has engaged in. Such conduct is not only unreasonable, it is scandalous and vexatious too.

162. The comments about the respondent's instructing solicitors have no reasonable foundation.

163. As to the gratuitous insults towards Employment Judges, we are of course excepted to have thick skins and rightly so. It is not however any one of the insults themselves, but the sheer scale of them and that the claimant is thereby displaying an ongoing unwillingness to accept the authority of the Employment Tribunal in relation to the day to day running of the claim.

164. The respondent also relies on the claimant's failure to comply with Employment Tribunal orders. The tribunal does not consider that adds anything to the ground of unreasonable conduct etc and there is no need to for a separate decision in relation to that ground.

165. Finally, it is not clear whether either respondent relies upon the freestanding argument that a fair trial is no longer possible. Since this was not one of the reasons for strike out listed in the notice sent out following the September 2025 hearing, Judge James does not consider it appropriate to make any findings as to whether that ground is made out. The issue of a fair trial is of course highly relevant to the question as to whether or not a claim should be struck out because of unreasonable, vexatious and scandalous conduct. That is the next issue to which the tribunal turns.

Can their be a fair trial of this claim?

166. The Tribunal concludes that there cannot be a fair trial in relation to the claim brought by the claimant. The claimant has engaged in an ongoing pattern of conduct which demonstrates that he is not willing to accept the authority of the tribunal. Parties are expected to do so, whilst at the same time being able to exercise for example, any right of appeal and to complain to the JCIO. It is

not that the claimant has exercised his rights in that regard which is objectionable; but his associated conduct, as outlined above.

167. This should have been a straightforward case. The allegation is simple; i.e., that the first respondent failed to invite the claimant to an interview for a role because of, or for reasons related to, his alleged disability. That would, in the normal course of events, have resulted in a relatively short case management hearing, the listing of a 2-day hearing (perhaps three days, bearing in mind any reasonable accommodations made by the tribunal for the claimant's medical conditions) and the issue of standard case management orders. The tribunal's digital case file might have been about 200 pages long, if that; and in all likelihood, the final hearing would already have taken place.

168. Instead, the issues are yet to be formally identified, due to the claimant's continued failure to attend any hearings to date. The tribunal's file is over 2500 pages long. The first respondent has incurred costs of over £50,000; and it will soon be 18 months since the claim form was submitted. Despite being ordered not to do so, the claimant has continued to send the tribunal and the respondents multiple applications. It is necessary for both the tribunal and the respondent's solicitors to consider those.

169. In deciding whether a fair trial if possible, regard must be had to the overriding objective. The claimant's conduct has taken up an excessive and disproportionate amount of the tribunal's and respondent's representatives time and resources to date. Precious administrative and judicial resources have been taken away from other cases this region needs to deal with, as a result of his conduct. The claimant's conduct has prevented the tribunal from dealing with the allegations raised in the claim form in ways which are proportionate to the complexity and importance of those allegations; and in ways which avoid delay, or save expense. His conduct has resulted in the respondents incurring excessive costs. This is a truly exceptional case.

170. In addition to the above, is the intimidation felt by a key witness for the first respondent. The claimant's offensive response to that as set out above, shows no remorse and no insight into that. Also, the first respondent's counsel withdrawing from representing them and the fact that the first respondent is now struggling to find alternative representation. While the latter, on its own may not have led to the conclusion that a fair trial was no longer possible, it does reinforce the conclusion already reached, as does the problem in relation to the witness.

171. The claimant states that his blog is linked to the need to express himself. To the extent that the right to freedom of expression is engaged, a person must exercise their own rights without interfering with the rights and freedoms of others. The claimant's blog and social media posts do just that.

172. In his supplementary witness statement, the claimant seeks to link his behaviour with his disability. That issue is discussed further below. Suffice to say at this point that the tribunal has no confidence either that the claimant's behaviour will change, or that he will adopt a more reasonable stance in future. For example, his 24 April 2025 post is noted in which he stated:

> *Only gimps get gagged. If I've ever apologised for speaking I sure/ as fuck didn't mean it. [sic]*

173. Despite knowing that the respondent was intending to rely on his conduct as a reason for strike out since early 2025, the claimant's posts have continued unabated. The claimant was warned about that by Employment Judge Jeram in May 2025. He has continued to act in the same disruptive manner since then.

174. Also noted is the claimant's post of 24 January 2026 which says:

> *Meanwhile I'll express my opinions and print sources facts as I please, with the intent to inform and entertain [sic]*

Is strike out a proportionate response?

175. The Tribunal concludes that strike out is a proportionate response, bearing in mind everything that has been said so far, regarding the claimant's conduct of these proceedings, including the contents of his social media posts about the same.

176. In his supplementary submission the claimant seeks to argue:

> *My position remains that a significant part of my reactive conduct was provoked by the First Respondent's own approach and then aggravated by one-sided and hostile handling. That includes the conduct detailed in my SRA complaint, which was referred back to the Tribunal, including the costs threats, the disability dispute, the pressure for public hearings, the failure to engage constructively on bundle and case-management issues, and the general tone adopted toward me.*
>
> *That does not mean every word I used was ideal. It does mean the Tribunal should assess proportionality honestly and contextually. A disabled litigant's reactive conduct should not be stripped of its causes and then repackaged as though it were a free-standing case-ending wrong detached from the conduct that triggered it.*

177. However, in light of the sustained and calculated nature of his campaign of harassment against the respondents, their solicitors and counsel, the tribunal concludes that it is fanciful to suggest that all of this has been caused by his medical conditions of anxiety and depression. Had the claimant left it at one isolated outburst in January 2025 towards an Employment Judge, everyone could have moved on and concentrated on the substantive issues in the case. Instead, the claimant has sought to characterise decisions of Employment Judge's as the decisions of 'clowns'. Also noted is the recent comment, in an email to the tribunal in March 2026:

> *Obviously without meaning to be rude, does this Judge have all his faculties about him?*

178. It is noted that the claimant has described the appointment by the first respondent of former counsel as 'an incendiary move' and that 'against that background, an adverse reaction was foreseeable'. The claimant appears to be suggesting that his reaction was inevitable and entirely to be expected. It has been nothing of the sort – see above. Whilst the tribunal can accept in principle that the claimant's medical condition may lead at times to emotional dysregulation, it can provide no justification for the lengthy and sustained campaign of harassment he has maintained against, for example, the first respondent's former counsel.

179. In any event, even if there had been clear medical evidence before the tribunal that proved a clear link between the claimant's medical conditions and his conduct (which there is not), there comes a point when the sheer scale and content of that conduct would have meant that it had exceeded that which the parties, their representatives and the tribunal could reasonably be expected to bear. The claimant's conduct would have passed that threshold many months ago.

What are the consequences of strike out

180. The consequences of a strike out will be that the claimant will be denied a hearing on the merits of the issues raised in his claim. That is regrettable. It is however solely the claimant's conduct which has led to his right to a hearing of the substantive issues in the case being forfeited. For all these reasons, the tribunal concludes that the claim should be struck out.

Costs application

181. The first respondent makes an application for costs on grounds of the claimant's unreasonable conduct of the proceedings. For the reasons relied on above, that ground is made out.

182. Having determined that a ground for awarding costs is made out, the next question to consider is whether to make such an order. In deciding whether to make such an order, the tribunal notes first that the purpose of a costs order is compensatory, not punitive; and second, that a parties means may be taken into account.

183. Given all that has been said so far, the tribunal concludes that it is appropriate to exercise the tribunal's discretion to make an order for costs against the claimant. In making that decision, whilst at the same time taking into account the claimants conduct of litigation to date, the tribunal has decided that it is not appropriate to take into account the claimant's means, when deciding whether to make an order. Assuming that the claimant is of limited means, as he stated in October 2025 (although he has failed to provide documentary evidence of that as ordered), that does not mean that he can act with impunity. The tribunal considers that this is one of those cases where it is not appropriate to take into account his means.

184. The final question to consider in relation to the costs application, is how much the costs order should be for. The respondent has agreed to limits its application for costs to no more than £20,000. That is less than half of the actual costs that have been incurred. The tribunal finds that those costs are reasonable and that it not appropriate to take into account his means. The claimant is therefore ordered to pay to the first respondent the amount of £20,000 towards the costs they have incurred in these proceedings.

Employment Judge James

Employment Judge James
North East Region

Dated 28 April 2026

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https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/