



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss G Nugent

**Respondent:** Bucks Deli Limited

**HELD AT:** Carlisle **ON:** 18 July 2016

**BEFORE:** Regional Employment Judge Robertson  
(sitting alone)

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr R Arnold, Director

## JUDGMENT

1. The claimant did not present her complaint of unlawful harassment related to her protected characteristics of sex or age, contrary to section 26 of the Equality Act 2010, within the time limit set out in section 123(1)(a) of the 2010 Act, but she presented the complaint within a period which the Tribunal thinks just and equitable under section 123(1)(b) of the 2010 Act and the complaint may proceed to hearing.
2. The claimant did not present her complaint of breach of contract within the time limit set out in article 7 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994, but it was not reasonably practicable for the claimant to have presented the complaint within such period and she presented it within a further reasonable period and the complaint may proceed to hearing.
3. Case Management Orders for the continued good conduct of the proceedings appear below.

## CASE MANAGEMENT ORDERS

1. Since the previous Preliminary Hearing in the case on 13 May 2016, the claimant has served Further Particulars of her complaints. I have made a Case Management Order below for the respondent, if so advised, to amend its response as a result of the claimant's Further Particulars.

2. I have then made Case Management Orders for the further good conduct of the proceedings up to and including the full hearing of the case.
3. The claimant, who has not been represented at this Preliminary Hearing, told me that she did not know how to comply with Case Management Orders. I indicated to her that if, when she had seen and read the Case Management Orders, she remained uncertain what to do, it was her responsibility to seek advice. She has had advice from the Cumbria Law Centre in the past.
4. The respondent is also now unrepresented. Mr Arnold told me that the business ceased trading on 26 June 2016, it was insolvent and he expected that in due course it would be dissolved. I indicated to the claimant that of course I did not know whether the information Mr Arnold provided was accurate, but she should consider seeking advice about the significance of it for her claim. I informed Mr Arnold that the claim would continue.
5. Against this background, I have made the following Case Management Orders with which the parties must comply for the further good conduct of the proceedings.
6. The respondent has leave to amend its Grounds of Response to the claim, if so advised, following receipt of the claimant's Further Particulars of the claim, by 1 August 2016.
7. The claimant has already served a Schedule of Loss. She shall serve an updated Schedule of Loss 14 days before the full hearing of the case.
8. The parties shall disclose all relevant documents in their possession or control, including documents relating to any losses claimed by the claimant, by 15 August 2016. Disclosure may take place by list or photocopies of documents, but if by list, the parties shall provide copies of any documents in their list within seven days of being asked by the other party to do so.
9. The parties shall agree the contents of a single Bundle of Documents for use at the hearing at the case by 22 August 2016. The parties shall ensure that only relevant documents to which they intend to refer at the hearing are included in the agreed Bundle of Documents. The claimant shall be responsible for preparing sufficient indexed, paginated and securely bound copies of the agreed Bundle of Documents for use at the hearing and shall provide a copy of it to the respondent immediately it has been agreed.
10. The parties shall prepare and serve written witness statements in respect of all witness evidence, including the claimant's own evidence, to be given at the hearing. No witness evidence may be adduced at the hearing without the leave of the Tribunal, which may be refused, unless a written witness statement in respect of such evidence has been prepared and served in accordance with this Case Management Order. Witness statements shall contain the full and complete factual evidence of the witness, they shall be page and paragraph numbered, they shall be signed and dated by the witness, they shall be fully and accurately cross-referenced to the agreed Bundle of Documents and they shall be served, not necessarily simultaneously, by 12 September 2016.

11. The hearing of the case will take place at the **Carlisle Employment Tribunal, Carlisle Magistrates Court, The Court House, Rickergate, Carlisle, Cumbria CA3 8QH** before a full Tribunal panel on **Monday 5 September 2016** beginning at **10.00am** or as soon thereafter as the Tribunal can reach the case, and with one day allowed, to include deliberations and remedy, if it arises. Any application for postponement of the hearing date shall be made in writing to the Tribunal within 14 days of when these Case Management Orders are sent to the parties, giving the full grounds and any inconvenient dates within the period of six weeks following the hearing date. The Tribunal will entertain later applications for postponement only in the most exceptional circumstances.

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Regional Employment Judge Robertson

22 July 2016

JUDGMENT AND ORDERS SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

**(1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.**

**(2) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.**

**(3) You may apply under rule 29 for this Order to be varied, suspended or set aside.**

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

[AF]