



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mr F M Donnelly

AND

(1) Total Recycling Solutions
(North East) Limited
(dissolved at Companies
House on 17November2017)

(2) Mr Robert Storey
t/a Recycling Solutions

(3) Ms Christine MacDonald

PRELIMINARY HEARING

Heard at: North Shields

On: 7 March 2017

Before: Employment Judge Hargrove

Appearances

For the Claimant: Mr J Barker, Solicitor

For the Third Respondent: Mr S Palin, Solicitor

JUDGMENT AND ORDERS ON RECONSIDERATION

Made pursuant to the Employment Tribunal Rules 2013

APPLICATION FOR RECONSIDERATION

- 1 The judgment on liability and remedy against the third respondent is set aside and she has leave to defend the proceedings on the merits subject to compliance with paragraph 3 hereof.
- 2 The judgment on liability and remedy against the second respondent remains in place, there having been no application for reconsideration by the second respondent. By consent of the claimant and the third respondent, and there

being no objection from the second respondent, and having regard to the contents of the ET3 responses, the name of the second respondent is amended to Mr Robert Storey, trading as Recycling Solutions.

- 3 The third respondent must by no later than **28 March 2017** amend her ET3 to respond in full to the claimant's claims of unfair dismissal and disability discrimination. The amended ET3 must be copied to the claimant and to the Tribunal. It is noted and recorded that the issues remain outstanding, despite the evidence heard only from the third respondent and not the claimant today, whether the third respondent was an employer of the claimant jointly with the second respondent, or was liable as an employee of, or agent of, the second respondent under section 110 of the Equality Act 2010 for any act of disability discrimination against the claimant jointly with the second respondent.
- 4 A telephone preliminary hearing is listed to take place before this employment Judge on **Tuesday, 4 April 2017 at 9:30am** with a time estimate of one hour. The Tribunal will make further orders for the listing and case management of the claims against the third respondent. It is noted and recorded that the existing judgments against the second respondent remain open for enforcement.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an "unless order") providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Hargrove
Date 8 March 2017

Sent to the parties on:
14 March 2017

For the Tribunal:
P Trewick