



EMPLOYMENT TRIBUNALS

Claimants

1. Mr J Stevens
2. Mr Lyon-Taylor

Respondents

- v
1. Jaguar Land Rover Limited
 2. Guava International Limited
 3. JLR Nominee Company Limited
 4. Land Rover Exports Limited

PRELIMINARY HEARING

Heard at: Watford

On: 7 April 2017

Before: Employment Judge R Lewis

Appearances:

For the Claimants:

Mr G Anderson - Counsel

For Respondents 1, 3 and 4:

Ms G Hedges - Counsel

For Respondent 2:

Ms S Berry – Counsel

JUDGMENT

The claims of both claimants against the third and fourth respondents are, by consent, dismissed on withdrawal.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. The above two claims are combined.
2. No later than **12 April 2017** the first respondent will email to the tribunal the list of issues which formed part of the case management agenda for this hearing, reflecting the fine tuning undertaken by consent at this hearing, to be appended to this order.
3. No later than **28 April 2017** each claimant will send to the respondents a schedule of loss, showing the sums claimed in these proceedings and how they have been calculated.
4. **Disclosure of documents**
 - 4.1 The parties are ordered to give mutual disclosure of documents relevant to the issues identified above by list and copy documents so as to arrive

Case Number: 3347577/2016 & 3347578/2016

on or before **2 June 2017**. This includes, from the claimants, documents relevant to all aspects of any remedy sought.

- 4.2 Documents relevant to remedy include evidence of all attempts to find alternative employment: for example a job centre record, all adverts applied to, all correspondence in writing or by e-mail with agencies or prospective employers, evidence of all attempts to set up in self-employment, all pay slips from work secured since the dismissal, the terms and conditions of any new employment.
- 4.3 This order is made on the standard civil procedure rules basis which requires the parties to disclose all documents relevant to the issues which are in their possession, custody or control, whether they assist the party who produces them, the other party or appear neutral.
- 4.4 The parties shall comply with the date for disclosure given above, but if despite their best attempts, further documents come to light (or are created) after that date, then those documents shall be disclosed as soon as practicable in accordance with the duty of continuing disclosure.

5. Bundle of documents

- 5.1 It is ordered that the first respondent has primary responsibility for the creation of the single joint bundle of documents required for the hearing.
- 5.2 To this end, the other parties are ordered to notify the first respondent on or before **23 June 2017** of the documents to be included in the bundle at their request. These must be documents to which they intend to refer, either by evidence in chief or by cross-examining the witnesses, during the course of the hearing.
- 5.3 The first respondent is ordered to provide to the other parties a full, indexed, page numbered bundle to arrive on or before **21 July 2017**.
- 5.4 The first respondent is ordered to bring sufficient copies (at least five) to the Tribunal for use at the hearing, by 9.30 am on the morning of the hearing.

6. Witness statements

- 6.1 It is ordered that oral evidence in chief will be given by reference to typed witness statements from parties and witnesses.
- 6.2 The witness statements must be full, but not repetitive. They must set out all the facts about which a witness intends to tell the Tribunal, relevant to the issues as identified above. They must not include generalisations, argument, hypothesis or irrelevant material.
- 6.3 The facts must be set out in numbered paragraphs on numbered pages, in chronological order.

- 6.4 If a witness intends to refer to a document, the page number in the bundle must be set out by the reference.
- 6.5 It is ordered that witness statements are exchanged so as to arrive on or before **29 September 2017**.
- 6.6 The parties are reminded of rule 44 and that each must bring to the hearing five additional copies of its witness statements.
- 6.7 No later than **8 December 2017** each claimant is to send to the respondents an updated schedule of loss.
- 7. Listing the hearing**
- 7.1 After all the matters set out had been discussed, we agreed that the hearing in this claim would be completed within **5 days**. It has been listed at to start at 10am or so soon thereafter as possible on **Monday 8 January 2018** at **Reading Employment Tribunal 4th Floor, 30-31 Friar Street, entrance in merchants Place, Reading. RG1 1DX**. The parties are to attend by **9.30 am**.
- 7.2 While no timetable is yet set, allocation of time includes determining all issues, and therefore includes pre-reading, oral evidence, submissions, time for deliberation and delivery of judgment and addressing remedy if appropriate.
- 8. Other matters**
- 8.1 The first respondent is ordered to prepare a cast list, for use at the hearing. It must list, in alphabetical order of surname, the full name and job title of all the people from whom or about whom the Tribunal is likely to hear.
- 8.2 The claimants are ordered to prepare a short, neutral chronology for use at the hearing.
- 8.3 These documents should be agreed if possible.
- 8.4 The parties have been reminded of the availability in principle of judicial mediation if all apply for it.

NOTE

1. The task of conducting this preliminary hearing, and of case management, was hugely assisted by the professionalism and cooperation shown between counsel and those instructing them, for which I record my gratitude.
2. At this hearing, it was only necessary to undertake minor fine tuning revisions of the agreed list of issues, which is for that reason not dealt with in the body of this Order.

3. As the agreed list was not available before I signed this Order (before two weeks absence from the tribunal), I have thought it better to send this Order before I go, and to deal with the list on my return on 3 May.

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 R Lewis
Sent to the parties on: 19/4/2017
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For the Tribunal:
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