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EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104192/2018

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Held in Glasgow on 7 May 2019 (in chambers)

Employment Judge: Ian McPherson

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Miss Louisa Dillon

Claimant

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**(1) DAG Marketing Ltd
(A Dissolved Company
formerly No. 10856491)**

First Respondents

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**(2) Jones Whyte Law
C/o Greg Whyte**

Second Respondents

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(3) DAG

Third Respondents

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**(4) David Gorrie And Greg Whyte
DAG / Jones Whyte Law**

Fourth Respondents

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The claimant's complaint against the first respondents, DAG Marketing Limited, is struck out under **Rule 37(1)(d) of the Employment Tribunals Rules of Procedure 2013** on the ground that it has not been actively pursued.

E.T. Z4 (WR)

REASONS

- 5 1. Further to the Tribunal's judgment dated 29 March 2019 and entered in the register and copied to parties on 3 April 2019, the Strike Out of the second respondents, Jones Whyte Law, was without prejudice to the claimant's claim against the first respondents, DAG Marketing Ltd, which was sisted pending the claimant confirming to the Tribunal whether or not she intended to apply
10 to the relevant Court to seek restoration of that dissolved company.
2. On 24 April 2019, the Tribunal gave the claimant an opportunity to give written reasons why the claim against the first respondents should not be struck out as it had not been actively pursued, as she had not advised the
15 Tribunal that she had applied to the relevant Court in England and Wales to seek restoration of the dissolved company, as per the Tribunal's correspondence to her on 13 February 2019 informing her of the appropriate procedure.
- 20 3. The first respondents have been dissolved since 27 November 2018. The claimant has not applied to have the company restored to the Register of Companies, and Mr Gorrie, formerly director of the first respondents, advised the Tribunal, on 13 February 2019, that he is not seeking administrative restoration of the dissolved company. On 28 April 2019, the claimant wrote
25 to the Tribunal stating that she does not have the monies to reinstate DAG Marketing Ltd.
4. Following referral to me, I have noted her response, and recalled the sist that has been in place since the previous Judgment. Having recalled that sist, it
30 is clear to me that the claimant has taken no steps to apply to the relevant Court to seek restoration of that dissolved company. As such, I am satisfied that she is not actively pursuing her claim against the first respondents. Her complaint against the first respondents is therefore struck out.

5 **Employment Judge**

Ian McPherson

Date of Judgment

13 February 2019

10 **Entered in register
and copied to parties**

16 February 2019