



EMPLOYMENT TRIBUNALS

Claimant: Mr. James Ross

Respondent: Terresens UK Limited

JUDGMENT

The response is struck out.

REASONS

1. By a notice of hearing dated **2nd August 2024**, the Respondent was notified that the Claimant's application to strike out their response would be determined at an open preliminary hearing on **27th September 2024**.
2. The Tribunal gave the respondent an opportunity to make representations and to attend the hearing, as to why the response should not be struck out because
3. The Respondent failed to attend or provide any explanation for their non-attendance today, nor an explanation for their failure to comply with the directions of EJ Nicklin in respect of preparing and exchanging the bundle of documents and witness statement for the final hearing (which had been listed for, but adjourned, on 29th November 2023, albeit due to lack of judicial availability rather than owing to the Respondent's conduct).
4. The Claimant's application was made on the basis that:
 - the respondent had not complied with the Order of the Tribunal dated **10th February 2023** in respect of preparation of the bundle of witness statements
 - it has not been actively pursued.
 - it is no longer possible to have a fair hearing of the response, because some 10 months after the original final hearing listing, the Respondent had

still not finalised the bundle or exchanged statements, and there was no realistic prospect of them doing this.

- That the Respondent’s conduct (or omission) in failing to correspond with the Claimant and/or the Tribunal on or after 2nd November 2023 (when the Respondent’s Solicitors came off record) was unreasonable.

2. The respondent has failed to attend or make representations in writing why the response should not be struck out. In the circumstances, and having considered the submissions of the Claimant and the evidence before me, I allowed the Claimant’s application. The response is therefore struck out.

3. The respondent will be entitled to notice of any hearings and decisions of the Tribunal but will only be entitled to participate in any hearing to the extent permitted by the Employment Judge. Separate directions and a case management order will follow for a hearing where the Tribunal will consider whether the Claimant has established his claims, and if so, what remedy he is entitled to.

Employment Judge **Bromige**

Date. **27th September 2024**

JUDGMENT SENT TO THE PARTIES ON

4 October 2024

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FOR THE TRIBUNAL OFFICE