



## EMPLOYMENT TRIBUNALS

**Claimant**  
Ms U Norko

v

**Respondent**  
Instinctif Partners Limited

## PRELIMINARY HEARING

**Heard at:** London Central Employment Tribunal **On:** 26 November 2018

**Before:** Employment Judge Davidson

### Appearances

**For the Claimant:** in person (by telephone)  
**For the Respondent:** Ms E Banton of counsel

## PRELIMINARY HEARING JUDGMENT

### Discussion

This hearing was originally listed for 3 days to hear the substantive claim. Due to lack of tribunal resources and the respondent's application for a strike out, the hearing was converted to a preliminary hearing.

The purpose of the hearing was to consider the respondent's application for a strike out of the claimant's claims following her failure to comply with the Unless Order imposed by the tribunal on 16 July 2018 or, in the alternative, on the grounds of her unreasonable behavior in prosecuting her claim.

On 16 July 2018, the tribunal adjourned the 3 day hearing fixed for that date and imposed a number of orders, one of which required the claimant to exchange witness statements with the respondent (whose witness statements were ready by 16 July) on or before 27 August 2018. This date was subsequently varied by the parties by agreement, the latest agreed date for exchange being 8 October 2018.

The claimant failed to comply. The claimant blamed the respondent's failures to deal with her disclosure requests and the large bundles which they supplied, requiring her to spend a long time checking them, as reasons for her failure to comply. She confirmed she was not in a position to provide a witness statement currently and would need time to prepare this.

Decision

The decision of the tribunal is that the claims stand as dismissed due to the claimant's failure to comply with the order that she exchanges witness orders with the respondent on the respondent on or before 27 August 2018 (as amended). The claimant did not apply to set aside the order and it therefore remains valid. The terms of the order were not conditional upon the respondent satisfying the claimant as to her disclosure requests.

As the terms of the Unless Order have not been complied with, the case stands as dismissed.

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Employment Judge Davidson

Date: 26 November 2018

JUDGMENT and SUMMARY SENT to the PARTIES ON

27 November 2018

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FOR THE TRIBUNAL OFFICE