



Industrial Tribunals and the Fair Employment Tribunal 2012

Assessment Centre

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Role-play

INSTRUCTIONS TO CANDIDATE

A Case Management Discussion has been listed before you.

The parties have been notified that a Case Management Discussion has been arranged to consider:

- (1) the claimant's application for Orders for Additional Information and Discovery against the respondent; and
- (2) the respondent's application for a Pre Hearing Review to be arranged to determine the respondent's application for the claimant's claim to be either struck out on the ground that it is misconceived or alternatively for the claimant to be ordered to pay a £500 deposit as a condition of continuing with his claim.

You have **30 minutes** to read and consider the following papers provided to you:

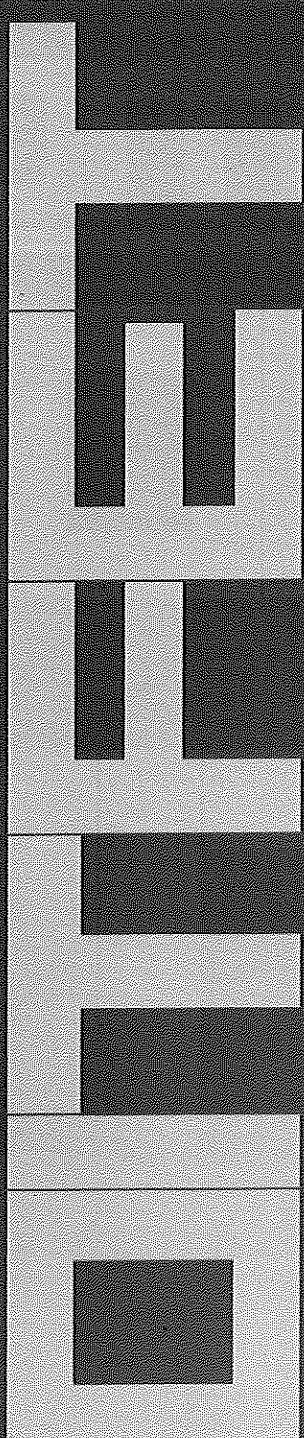
- (1) the claim form;
- (2) the response form;
- (3) the claimant's letter to the tribunal dated 1 November 2012 seeking an Order for Information to be made against the respondent;
- (4) the claimant's letter to the respondent dated 16 October 2012 setting out his application for information from the respondent;
- (5) the respondent's letter dated 5 November 2012 to the tribunal responding to the claimant's application for information and asking for a Pre Hearing Review to be arranged to either have the claimant's claim struck out on the ground that it is misconceived or alternatively to have a Deposit Order of £500 made against the claimant as a condition of continuing with his complaint.

You will then have **45 minutes** to conduct the Case Management Discussion.

The claimant, Robert Jordan, is appearing on his own without legal or other representation.

The respondent is represented by Mr Stephen Richmond, Barrister-at-Law, instructed by Ms Ann Brown, Solicitor.

Industrial Tribunals and
The Fair Employment Tribunal
Northern Ireland



**Making a claim to an
Industrial Tribunal
and/or
The Fair Employment Tribunal
in Northern Ireland**

This form is intended for use by claimants who wish to make a claim to an Industrial Tribunal and/or the Fair Employment Tribunal in Northern Ireland.

New claimants wishing to make a claim in England, Wales or Scotland should apply to the Employment Tribunal Service in Great Britain, using the form that they provide.

Before you fill in this form make sure that you:

- **Consider the conciliation service offered by the Labour Relations Agency (LRA).** On 3rd April 2011 the LRA published a **new Code of Practice** on disciplinary and grievance procedures for new complaints after that date. To compliment the Code of Practice a new process known as **Pre-Claim Conciliation** has been introduced which aims to assist all parties to an employment complaint find an acceptable solution that means that there is no need for the matter to be brought to a tribunal. If you opt to use this service, you should contact the LRA (Tel: 028 9032 1442) and they will put you in contact with a Conciliation Officer, who will explain this service and answer any questions that you might have.
- read the notes that came with this form on how to fill it in. **Pay particular attention to time limits;** if we don't receive your claim on time, it usually won't be accepted;
- consider whether or not you need to take advice, particularly if your claim involves discrimination.

To make your claim on-line visit our website www.employmenttribunalsni.co.uk. When you make your claim on-line, receipt will be acknowledged electronically, there is no need to send a hard copy by fax or post.

How to fill in this claim form

By law, you **must** provide the information marked with ★ and, if it is relevant, the information marked with ●

- Please make sure that all the information you give is as accurate as possible.
- Please use black ink as we have to photocopy the form.
- Please write clearly and use CAPITAL letters for names and addresses.
- If you are sending your claim electronically or by fax there is no need to send a copy in the post.
- Where there are tick boxes, please tick the one that applies.
- If you have a representative acting for you, correspondence will be sent to him/her and not to you.
- If your complaint includes a claim of unlawful discrimination on grounds of religious belief or political opinion, we will regard this as a claim to the Fair Employment Tribunal which deals with unlawful discrimination on these grounds.
- Two or more claimants may present their claims using the same form if their claims arise out of the same set of facts.
- * with certain exceptions - if you are bringing a levy appeal, an appeal against a health and safety or non-discrimination notice, or an appeal against the Gangmasters Licensing Regulations you should fill in section 1 and, where appropriate, section 2, giving the grounds for your appeal in section 7.

Claim to an Industrial Tribunal and/or The Fair Employment Tribunal (in Northern Ireland)

FOR OFFICE USE	
Case number: (Industrial Tribunal)	Case number: (Fair Employment Tribunal)
3245 1/2 17	

1 Claimant details

1.1 Title (if 'Other', please indicate): Mr Mrs Miss Ms Other

1.2★ First name(s):

1.3★ Surname or family name:

1.4● Date of birth: - -

Are you: male? female?

1.5★ Address:

No.:

Street:

Town / City:

County:

Post code:

1.6 National Insurance Number

1.7 Contact details:
(where we can contact you during normal working hours)

Tel. (Day):

Mobile No:

Fax:

E-mail:

2 Respondent's details

2.1★ Give the name of the employer, organisation or person you are complaining about (the respondent). (If you are complaining about more than one respondent, give additional details at 2.5 below).

HOWSON HEAVY PLANT LTD.

2.2★ Address:

No.:

1

Street:

MOUNTFIELD INDUSTRIAL ESTATES

Town / City:

OMAGH

County:

Tyrone

Post code:

BST 39 98632

2.3 Telephone number:

029 42 88961

2.4 If you worked at an address different from the one you have given at 2.2, please give the full address.

DUBLIN PORT

DUBLIN.

2.5● If your complaint is against more than one respondent please give their names and addresses. (It would be helpful if you could give postal codes and phone numbers here if known).

3 Your representative

Please fill in this section only if an individual or organisation has agreed to represent you. If you have appointed a representative, we will only send correspondence to them, except for the notice of hearing and your own copy of the tribunal's decision.

3.1 Representative's name:

MICHAEL McFEARLEY

3.2 Name of representative's organisation:

~~UEATU~~ SIPTU

3.3 Address:

No.:

1

Street:

Hunt ST

Town/City:

BELFAST

County:

Post code:

BT 1 5 28

3.4 Contact details: Tel. (Day):

077 35892

Tel. (other):

Fax:

E-mail:

4 Trade Union Membership

4.1 Are you a member of a trade union?

Yes No

4.2 If 'Yes', please give its name

~~UEATU~~ SIPTU

5 Employment details

Please complete this section if you are or were an employee of the respondent or a worker providing services to the respondent.

5.1★ What is or was your relationship to the respondent?

(a) Employee under a contract of employment

(b) Worker providing services

(c) Other. (If none of the above, what was your relationship to the respondent?)

5.2 Please give the following details if possible.

Date when your employment started

- -

Is your employment continuing?

Yes No

Date when your employment ended or will end

- -

5.3 Please say what job you do or did. If this does not apply, please say what your connection was with the respondent.

SERVICE ENGINEER

6 Earnings and benefits

6.1 How many basic hours do or did you have to work each week?

.......... hours each week

6.2 How much are or were you usually paid?

Pay before tax

£ each hour week month

Normal take-home pay
(including overtime, commission,
bonuses etc.).

£ each hour week month

6.3 If your employment has ended, did you work
(or were you paid for) a period of notice?

Yes No N/A

If 'Yes', how many weeks or months notice
did you work or were you paid for?

..... weeks months

6.4 Are you or were you in your employer's pension scheme?

Yes No

6 Earnings and benefits (continued)

6.5 If you receive or received any other benefits from your employer, please give details.

VAN PROVIDED FOR PERSONAL USE
AND PAID FOR COMMUTING TO WORK

6.6 If you have left your employment, have you since got another job? (if necessary, use section 8 to give more detail) Yes No N/A

6.7 If you answered 'Yes' to 6.6, please say when you started (or will start) work.

6.8 If you answered 'Yes' to 6.6 and the job is temporary, please tell us when it likely to end.

6.9 Please say how much you are now earning before tax

Normal take-home pay (including overtime, commission, bonuses etc).

6.10 If your employment has ended, have you claimed Jobseeker's Allowance, Income Support or Income Related Employment and Support Allowance since your employment ended? Yes No N/A

If 'Yes', please give details.

6.11 Please say what remedy you want if your case is successful at a tribunal. (Tick the box that applies).

- (a) To get your old job back and compensation (reinstatement)
- (b) To get another job with the same employer and compensation (re-engagement)
- (c) Compensation only

7 Details of your claim

7.1★ Please tick the box(es) to indicate the type of complaint you wish the tribunal to consider.

(a) I was unfairly dismissed (including constructive dismissal)

(b) I am claiming a redundancy payment

(c) I am claiming that I am owed the following amounts in respect of:-

Notice Pay £ Holiday Pay £

Arrears of pay £ Breach of contract £

Other Payments (please specify) £

(d) I was discriminated on the grounds of:

Age Disability Equal pay

Part time Working Race Religious belief/ political opinion

Sex Sexual Orientation

If you select the religious belief/political opinion box, we will regard your complaint as a matter for The Fair Employment Tribunal, which deals with unlawful discrimination on these grounds

(e) Other complaints: (please specify):

7.2● If you complaining about discrimination

Please give the date(s) on which the matter about which you are complaining happened? Where discrimination occurred on a number of occasions give the most recent date when it happened. If you wish to give additional dates you can do this at 7.4 below.

Please also indicate if the discrimination is ongoing

Day Month Year - - ongoing

7.3● You only need to answer this question if you are complaining about discrimination on the grounds of 'Religious Belief/Political Opinion'

When did you first know of the matter about which you are complaining

Day Month Year - -

7.4★ Details of your claim

Please tell us in this section about your claim. It is important that you give us details to support the complaint(s) that you have selected at 7.1.

Details include:

- A description of the act or acts complained of
- When the act or acts took place
- The names of the people involved
- Why you believe the action was unlawful
- Why you believe you are entitled to claim for payment that you say is owed
- The amount of any payment you believe is owed
- If you are complaining about discrimination in recruitment – what job you applied for
- If you are complaining about discrimination by way of victimisation, the type of discrimination that you are relying on e.g. sex, race, disability etc .

I was originally employed by Howden Heavy Plant Ltd on 2 September 2000 as an apprentice engineer. They provided day release facilities on one day per week during term time to attend the necessary college course in Cookstown.

On 15 June 2004 I completed my apprenticeship and was awarded a NVQ level 3 in Heavy Plant Engineering. At that point I switched to mobile service engineer work in GB and in the Republic. I installed machinery in different industrial sites and attended breakdowns as required. I was responsible for servicing and for warranty work. In 2006, about August, the company took over a company which was in administration, Finton Engineers Ltd. It made the same type of equipment and had several manufacturing bases in GB and throughout Europe. It also employed five service engineers who transferred their employment to Howden. They remained based in GB. I remained based in Omagh.

On 31 March 2008 I applied for a new position which had been advertised publicly on the website of the respondent company and in the technical press. My foreman, John Welsh, had told me of the vacancy and told me I should apply for it. That new position was for a static service engineer in Dublin Port. The operation there was run by Dublin Port Services Ltd. The postholder was to be responsible for installing, maintaining and servicing cranes and moving equipment which had been manufactured by the respondent company in various bases in the EU, including Omagh. The machinery was to be provided to the Port on lease and part of the leases related to the availability of a service engineer on site during the working week. The one snag was that the postholder would be employed by a subsidiary company Howden Heavy Plant (Ireland) Ltd and paid in euros with southern tax rates. I wasn't keen on that at all. I was told that it could be sorted out.

7.4★ Details of your claim (continued)

I was offered the job on 5 June 2008. I didn't want to be paid or taxed in the Republic and refused to accept it. I was told I would remain on the books of Howden Heavy Plant Ltd and that I would be paid in sterling with UK deductions. The pay would be lodged automatically into my Kesh bank account. I was also given a van (with fuel) to cover the daily commute from Kesh to Dublin. I was paid a notional 20 hours per week for commuting costs at basic rate. I accepted the deal and started work in Dublin at the start of July. The only break was five days unpaid to attend a family funeral.

I reported direct to Mr Daly the Client Services Manager employed by Dublin Port Services Ltd. He assigned my duties and certified my time sheets. He also dealt direct with a subsidiary of Howden in Liverpool who dealt with all HR issues but there weren't many. During that period, up to my dismissal I also maintained close contact with the service manager in Omagh with technical queries. I ordered parts off him and from other Howden plants in the EU. In 2008 and 2009 I attended five training courses in Omagh. Each was three days long. In 2010 and 2011 I attended six additional training courses in Finland which had been suggested by the service manager in Omagh. These were run by a Howden subsidiary and related to machinery made in Finland and in France.

On 30 August 2012, I was told by the Client Services Manager of Dublin Port Services Ltd that my services were no longer required. They had lost the contract and new machinery and a competitor was going to be installed. I was given no warning and Howden did not consider alternative employment in the group or in Omagh. I was told to apply for a redundancy payment in the Republic.

8 Other information

- 8.1 You should add any extra relevant information you want us to know here, giving the question number to which the information relates. **You should not send us documents or evidence relating to your case at this stage.**

9 Special arrangements

- 9.1 Please tell us what, if any, special arrangements you think we need to make in dealing with your case. For example, you should let us know if you require us to make any reasonable adjustment (due to disability) or if we need to arrange for an interpreter to translate for you at your tribunal hearing.

You (or your representative, if you have one) should sign and date the form.

Signature: Norman Fitzgerald Date: 20 - 09 - 2012

Data Protection Act 1998. We will send a copy of this form to the respondent(s), the Labour Relations Agency and the Equality Commission for Northern Ireland, where appropriate. We will put some of the information you give us on this form onto a computer. This helps us to monitor progress, produce statistics and carry out research. We are required by law, except in certain circumstances, to publish information on tribunal claims in the Register of Claims and in due course in the Register of Decisions. We are required to make the Registers available to the public.

Please ensure that you pay the correct postage when sending us your completed form, as failure to do so may lead to your mail not being received.

Please return your completed claim form to:

**The Secretary
Office of the Industrial Tribunals &
The Fair Employment Tribunal
Killymeal House
2 Cromac Quay
Ormeau Road
Belfast BT7 2JD**

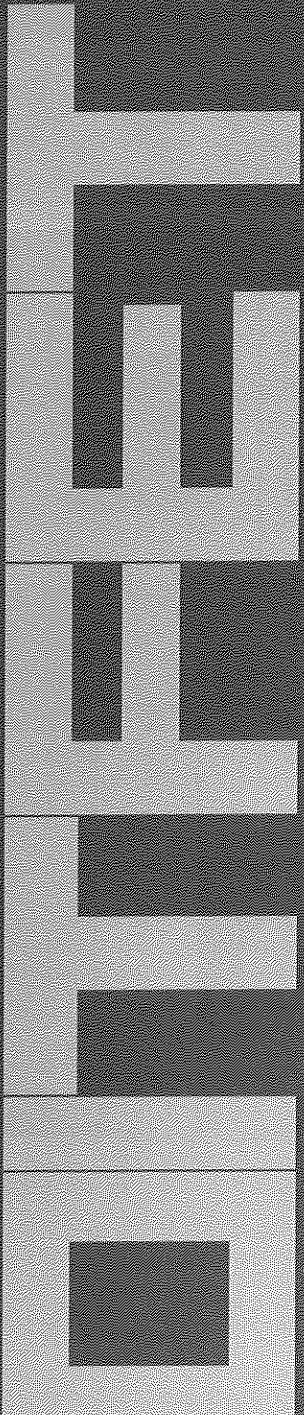
For Office Use

Received at: _____

Initials: _____

Date: _____

Industrial Tribunals and
The Fair Employment Tribunal
Northern Ireland



**Response to a claim to an
Industrial Tribunal
and/or
The Fair Employment Tribunal
in Northern Ireland**

This form is intended for use by respondents who wish to respond to a claim made against them to an Industrial Tribunal and/or the Fair Employment Tribunal in Northern Ireland.

To make your response on-line visit our website www.employmenttribunalsni.co.uk When you make your response on-line, receipt will be acknowledged electronically, there is no need to send a hard copy by fax or post.

Please refer to the guidance notes to assist you in completing this form. If you want to resist the claim(s) made against you, **your completed form must be presented to the Office of the Tribunals within 28 days** immediately after the date that you were sent a copy of the claimant's claim form. If you do not return the form by that date you may not be able to take part in the proceedings and a default judgement may be entered against you.

This form may include the response to more than one claim if the relief claimed arises out of the same set of facts, provided that in respect of each of the claims to which the single response relates: -

- a) you intend to resist all of the claims and the grounds for doing so are the same for each claim;
- b) you do not intend to resist any of the claims.

A single form may include the response of more than one respondent to a single claim provided that: -

- a) each respondent intends to resist the claim and the grounds for doing so are the same for each respondent;
- b) none of the respondents intend to resist the claim.

Before you fill in this form, make sure that you:

- are familiar with the statutory dispute resolution procedures and the conciliation service offered by the Labour Relations Agency.
- read the guidance notes that came with this form on how to fill it in;
- consider whether or not you need to take advice, particularly if you are responding to a claim that includes a complaint of discrimination

How to fill in this claim form:

By law you **must** provide the information marked with ★ and if it is relevant the information marked with ●

- **Please make sure that all the information you give is as accurate as possible.**
- **Please use black ink as we have to photocopy the form.**
- **Please write clearly and use CAPITAL letters for names and addresses.**
- **If you are sending your response by fax there is no need to send a copy in the post.**
- Where there are tick boxes, please select the one that applies.
- If you have a representative acting for you, correspondence will be sent to him/her and not to you.

Response to a claim to an Industrial Tribunal
and/or The Fair Employment Tribunal
(in Northern Ireland)

FOR OFFICE USE	
Case number(s):	Received Date
3295 / 1217	

Claimant's Name: ROAN FITZGERALD

Respondent's Name:
(as named in originating claim) _____

1 Respondent details

1.1★ Name of your organisation Howson Heavy Plant Ltd

Contact name: BE Smyth

1.2● If the respondent's name is different from that shown on the originating claim, please explain

1.3★ Address:

No: 1

Street: MOUNTFIELD INDUSTRIAL ESTATE

Town / City: OMAGH

County: TYRONE

Post code: ~~BT42 8961~~ BT 39 48632

1.4 Contact details:
(where we can contact you during normal working hours)

Tel. (Working Hours): _____

Mobile No: 078 187624

Fax: _____

Email: _____

2 Your representative

Please fill in this section only if an individual or organisation has agreed to represent you. If you have appointed a representative, we will only send correspondence to them, except for the notice of hearing and your own copy of the tribunal's decision.

2.1 Representative's name:

MICHAEL FLATLEY

2.2 Name of representative's organisation:

PREZIOSO BUSINESS SERVICES

2.3 Address:

(your representative can enter their document exchange (DX) address here, which can be used by the Office of the Tribunals).

No.:

5

Street:

NEW STREET

Town/City:

BELFAST

County:

Post code:

BT 8 96 4

2.4 Contact details: Tel. (Day):

Tel. (Other):

078 32146

Fax:

E-mail:

3 Claim details (important statutory procedures)

Please complete this section if the claimant is or was an employee or a worker. The terms "employee" and "worker" have specific legal meanings. See the guidance notes accompanying this form or alternatively, you may wish to seek advice.

3.1 What is or was the claimant's relationship to you?

(a) Employee under a contract of employment

(b) Worker providing services

(c) Other (please specify below)

3.2 If the claim, or part of it, is about a dismissal, do you agree that the claimant was dismissed? Yes No N/A

3.3 If the claim, or part of it, is about something **other than** dismissal, does it relate to an action you took on grounds of the claimant's conduct or capability? Yes No N/A

3.4 If you answered 'Yes' to 3.2 or 3.3, please explain below what stage you have reached in the dismissal and disciplinary procedure.

The claimant was employed by us but was permanently based outside the jurisdiction in Dublin. The tribunal therefore has no jurisdiction to hear this case and we apply for a pre-hearing review on jurisdiction.

4 Employment details

**Please complete this section if the claimant is or was an employee or worker.
If they were not you can proceed directly to section 5.**

4.1 Are the dates of employment given by the claimant correct? Yes No
If 'Yes', please now go straight to 4.3.

4.2 If 'No', please give dates, state whether the employment is continuing, and say why you disagree with the dates given by the claimant.

When their employment started - -

Is their employment continuing? Yes No

When their employment ended or will end - -

I disagree with the dates for the following reasons;

4.3 Is the claimant's description of their job or job title correct? Yes No

If 'No' please give the details you believe to be correct below.

5 Earnings and benefits

Please complete this section if the claimant is or was an employee or a worker.

If they were not you can proceed directly to section 6.

If the claimant has not provided these details in their claim form please insert the details you believe to be correct.

5.1 Are the claimant's basic hours correct? Yes No

5.2 If 'No', please enter the details you believe to be correct. hours each week

5.3 Are the earnings details given by the claimant correct? Yes No

5.4 If 'No', please enter the gross pay details you believe to be correct. £ each hour week month

Normal take home pay (including overtime, commission bonuses etc.) £ each hour week month

5.5 Is the information given by the claimant about being paid for working a period of notice correct? Yes No

5.6 If 'No', please enter the details you believe to be correct.

The claimant's pay includes a notional 20 hours per week (fixed) as compensation for travelling.

5.7 Are the details about pension and other benefits given by the claimant correct? Yes No

5.8 If 'No', please give the details you believe to be correct below.

6★ Response

6.1★ Do you intend to resist the claim(s)?
If 'No', please now go straight to section 7.

Yes No

6.2★ If 'Yes', you must set out in full the details of the grounds of such resistance.

We do not dispute the claimant's version of how he came to be employed by the respondent company, his employment history, as how he became based in Dublin. The arrangements and history are as described by the claimant.

The claimant was working permanently in Dublin. He was not part of the Omagh workforce and he understood that. The contract was lost by Howden Heavy Plant (Ireland) Ltd and his work ceased overnight. Dublin Port awarded the contract to a new group who employed their own service engineers. They installed their own machines as soon as they could. The leases had run out on all of our machines and we had been working from month to month while the southern company saw what way the contract would go.

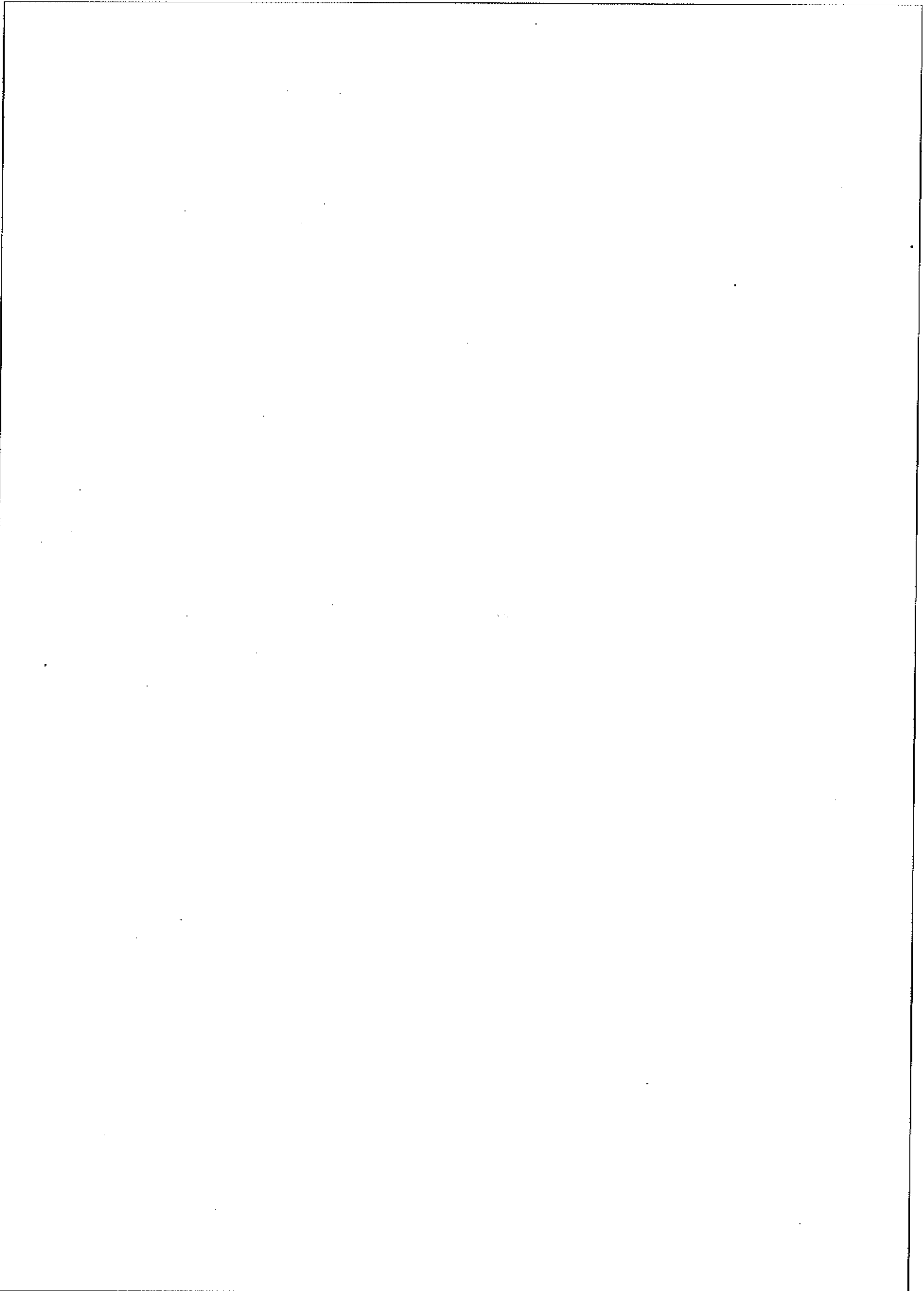
This is none of the tribunals concern. All the relevant matters occurred in the Republic and are outside your jurisdiction. It is important that you understand that this is a multi-national conglomerate which has to deal with the law and with the court system in several countries. This is a matter which should be addressed (if at all) within the Republic's jurisdiction.

6.2★ Response (continuation)

[Empty response area]

7 Other information

- 7.1 Please do not send a covering letter with this form.
You should add any extra relevant information you want us to know here.



8 Special Arrangements

- 8.1 Please tell us what, if any, special arrangements you think we need to make in dealing with your case. For example, you should let us know if we need to make any reasonable adjustment due to disability.

You (or your representative) should sign and date the form.

Joe Smyth

Date: 10 - 10 - 2012

Data Protection Act 1998. We will send a copy of this form to the claimant(s), the Labour Relations Agency and the Equality Commission for Northern Ireland, where appropriate. We will put some of the information you give us on this form onto a computer. This helps us to monitor progress, produce statistics and carry out research. We are required by law, except in certain circumstances, to publish information on tribunal claims in the Register of Claims and in due course in the Register of Decisions. We are required to make the Registers available to the public.

Please ensure that you pay the correct postage when sending us your completed form, as failure to do so may lead to your mail not being received.

Your completed response form should be sent to: **The Secretary
Office of the Industrial Tribunals &
The Fair Employment Tribunal
Killymeal House
2 Cromac Quay
Ormeau Road
BELFAST BT7 2JD**

For Office Use

Received at:

Initials: _____

Date: _____

**Robert Jordan
10 Lough View
Belfast
BT20 1XX**

The Secretary
OITFET
Killymeal House
2 Cromac Quay
Ormeau Road
BELFAST BT7 2JD

1 November 2012

Dear Sir/Madam

**Re: Robert Jordan –v- Phoenix Investments Ltd
Case Ref No: 72/12FET**

Information

I attach my application for information from the respondent which I need to pursue my claim to the Fair Employment Tribunal. The respondent has provided some but not all of the information I have asked for. Could I please have an Order against them as this information is essential to enable me to prove that I was discriminated against on the ground of my religion directly, indirectly and by way of victimisation?

Yours faithfully

Robert Jordan

**Robert Jordan
10 Lough View
Belfast
BT20 1XX**

Phoenix Investments Ltd
1 Main Street
Belfast
BT2 1EE

16 October 2012

Dear Sir/Madam

**Re: Robert Jordan –v- Phoenix Investments Ltd
Case Ref No: 72/12FET**

Additional Information

I request the following information which I believe is necessary to enable me to prove my claim of religious belief discrimination at the tribunal.

Direct Discrimination

1. The names of all employees who applied to act up in Colin Armstrong's job as senior investment adviser in March 2012.
2. The breakdown of those employees in terms of religion or perceived religion.
3. Paul Byrne's religion.
4. Details and documents setting out the respondent's acting up selection procedures to include criteria.
5. Details and documents setting out the respondent's permanent appointments selection procedures to include criteria.
6. The qualifications of all employees who applied to act up in Colin Armstrong's job in March 2012.
7. Paul Byrne's qualifications at March 2012.
8. The experience of all employees who applied to act up in Colin Armstrong's job in March 2012.

9. Paul Byrne's experience at March 2012.
10. Details of all warnings, written or oral, given to Paul Byrne in the year preceding his employment.
11. Paul Byrne's performance appraisals throughout his employment.
12. The performance appraisals of all employees who applied to act up in Colin Armstrong's job in March 2012 throughout their employment.
13. The personnel files of all employees who applied for Colin Armstrong's job.

Indirect Discrimination

14. The date the decision was taken to use qualifications and experience as criteria for acting up positions.
15. The religions of all those who were involved in making that decision.
16. The date the decision was taken to add performance as a criterion.
17. The religions of all those who were involved in making that decision.

Victimisation

18. The claimant's grievance letter of 3 May 2012 complaining that he had been turned down for the acting up position and for three previous permanent positions between 2007 and 2012 because he is a Protestant.
19. All documents confirming that the respondent had received the claimant's grievance letter.
20. All documents relating to the respondent's decisions to reject the claimant's grievance.
21. All documents relating to the selection process for the three permanent positions the claimant applied for unsuccessfully between 2007 and 2012.
22. The religions or perceived religious beliefs of the members of the selection panels for those positions.

23. The religions or religious beliefs of the successful candidates on each of those three occasions.

Yours sincerely

Robert Jordan

Phoenix Investments Ltd
1 Main Street
Belfast
BT2 1EE

The Secretary
OITFET
Killymeal House
2 Cromac Quay
Ormeau Road
BELFAST BT7 2JD

5 November 2012

Dear Sir/Madam

**Re: Robert Jordan –v- Phoenix Investments Ltd
Case Ref No: 72/12FET**

Request for Additional Information/Discovery

The respondent has received an application for information from the claimant. The respondent has treated that application as an application for both additional information and discovery and has provided the claimant with all relevant information and documentation in relation to his claim. The respondent objects to providing the further information and documents sought on the ground that they are not relevant. The respondent has explained this to the claimant and invited him to withdraw his claim once he had the opportunity to consider the information and documents provided as the respondent believes it should have become clear to the claimant that his claim had no substance. The claimant has indicated that he intends to apply for an Order for the outstanding information and that he will not be withdrawing his claim. The respondent therefore applies for a Pre Hearing to be arranged to have the claimant's claim struck out on the ground that it is misconceived. Alternatively, the respondent would make an application to the tribunal for a deposit order of £500 to be made against the claimant as a condition of continuing with his complaint.

A copy of this letter has been sent to the claimant for his information.

Yours faithfully

Phoenix Investments Ltd

**Office of the Industrial Tribunals
and the Fair Employment Tribunal**

Killymeal House
2 Cromac Quay
Ormeau Road
Belfast BT7 2JD
DX 4235 NR Belfast 27

Phoenix Investments Ltd
1 Main Street
Belfast
BT2 1EE

7 November 2012

Dear Sir/Madam

**Re: Robert Jordan –v- Phoenix Investments Ltd
Case Ref No: 72/12FET**

Case Management Discussion

I have been directed to inform the parties that a Case Management Discussion will be arranged to determine:-

- (i) the claimant's application for additional information and discovery;
and
- (ii) the respondent's application for a pre hearing review to be arranged to determine the respondent's application for the claimant's claim to be either struck out on the ground that it is misconceived or alternatively for the claimant to be ordered to pay a £500 deposit as a condition of continuing with his claim.

You will be notified of the date shortly.

Yours faithfully

A Clerk

**Office of the Industrial Tribunals
and the Fair Employment Tribunal**

Killymeal House
2 Cromac Quay
Ormeau Road
Belfast BT7 2JD
DX 4235 NR Belfast 27

Mr Robert Jordan
10 Lough View
Belfast
BT20 1XX

7 November 2012

Dear Mr Jordan

**Re: Robert Jordan –v- Phoenix Investments Ltd
Case Ref No: 72/12FET**

Case Management Discussion

I have been directed to inform the parties that a Case Management Discussion will be arranged to determine:-

- (i) the claimant's application for additional information and discovery;
and
- (ii) the respondent's application for a pre hearing review to be arranged to determine the respondent's application for the claimant's claim to be either struck out on the ground that it is misconceived or alternatively for the claimant to be ordered to pay a £500 deposit as a condition of continuing with his claim.

You will be notified of the date shortly.

Yours sincerely

A Clerk