



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4104257/2024 and 4104258/2024  
Employment Judge S MacLean**

**Mr D A T Desear**

**Claimants**

**Mrs A E Desear**

**KH Falcon Farm Limited**

**First Respondent**

**KH Falcon UK Ltd (Dissolved)**

**Second Respondent**

## **JUDGMENT**

The response of the first respondent, KH Falcon Farm Limited, only is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution

and Rules of Procedure) Regulations 2013 on the grounds that the response is not being actively pursued in terms of rule 37(1)(d).

## **REASONS**

1. On 14 August 2024, the first respondent's informed the Tribunal that they were withdrawing from acting on their behalf. The representative stated that they had reminded the first respondent of their obligations to attend or secure alternative representation for the hearing.
2. On 15 August 2024, the Tribunal asked the first respondent to provide the Tribunal with an update. No reply was received.
3. On 23 August 2024, the Tribunal issued a reminder to the first respondent, and informed them that repeated failures to reply to Tribunal correspondence could result in a strike out warning. No reply was received.
4. On 2 September 2024, the Tribunal gave the first respondent an opportunity to give written reasons by 16 September 2024, or to request a hearing in order to consider why the response should not be struck out.
5. Due to an administrative oversight, the Tribunal's letter warning the respondent of strike out only referred to the first case number, 4104257/2024. Therefore, a second letter was issued in respect of the second case number, 4104258/2024, on 20 September 2024.
5. The first respondent has failed to give an acceptable reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the response on the basis that it is not actively pursued.

**S MacLean**  
**Employment Judge**

**18 November 2024**  
**Date of Judgment**

**Date sent to parties**

**20 November 2024**