

JERSEY / JUDGMENT

Larrisa Lakatos v Sarum Hotel Limited, Cristina Mira Sanchez and Robert Weston

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IN THE JERSEY EMPLOYMENT AND DISCRIMINATION TRIBUNAL Case No: 64/24 IN THE MATTER BETWEEN LARRISA LAKATOS CLAIMANT AND SARUM HOTEL LIMITED FIRST RESPONDENT JENNIFER WESTON SECOND RESPONDENT IN THE JERSEY EMPLOYMENT AND DISCRIMINATION TRIBUNAL Case No: 110/25 IN THE MATTER BETWEEN LARRISA LAKATOS CLAIMANT AND

- (1) SARUM HOTEL LIMITED RESPONDENTS
- (2) CRISTINA MIRA SANCHEZ
- (3) ROBERT WESTON INTERIM JUDGMENT Reference: [2024]TRE64(B) & [2025]TRE110 Date of Hearing: 5 March 2026 Before: Advocate FB Robertson Appearance (re both actions) For the Claimant: Mr Le Cornu For the Respondents: Jennifer Weston & Robert Weston (Directors of the First Respondent) Introduction 1. The Claimant was employed by the First Respondent (“Sarum”) as a hotel receptionist and General Assistant at the Sarum Hotel. It is asserted that the Claimant was continuously employed under various contracts of employment from 1 October 2022 until the termination of her employment by way of alleged constructive dismissal on 5 March 2024. Cristina Mira Sanchez was the General Manager of Sarum at all material times. 2. The Claimant commenced two sets of proceedings in relation to her employment (Case Numbers 64/24 and 110/25). Case No. 64/24 3. This claim was commenced on 21 March 2024. The proceedings include various discrimination claims based on the protected characteristics of race, sex and disability. It appears from the Claim Form that the last discriminatory act was the failure of Sarum to address the Claimant’s appeal and grievance in relation to a final written warning, which appeal and grievance were commenced on 25 January 2020, and which alleged failures of Sarum continued until the Claimant’s resignation on 5 March 2024. Case No. 110/25 4. These proceedings were commenced on 11th June 2025. Amended Particulars of Claim were filed on 13 October 2025. The proceedings include post-employment discrimination claims on the basis of victimisation and harassment. It appears that the last alleged acts in relation to the discrimination claims are alleged to have occurred either on 28th April 2025 (which relates to the provision of an alleged untrue inaccurate and unfair reference) or on 28 May 2025 (where it is alleged that Mr Weston made an allegation to the Tribunal in relation to the Claimant’s alleged violent conduct). 5. The Proceedings have had a complex and lengthy procedural history with numerous applications being made by both sets of parties. The

Final Hearing was ultimately refixed at a Case Management hearing on 5th December 2025 for 5 May 2026 with a time estimate of five days. 6. On 12th January 2026 the Respondents filed written submissions in support of their application to strike out the Claimant's claims in both sets of proceedings. The Interim Hearing by reason of various procedural failings ultimately took place on 5 March 2026. By the date of the Interim Hearing the Respondents had filed numerous witness statements in relation to the Claimant's claim, and had been given leave to adduce that evidence at the Final Hearing. The Claimant had also prepared her witness evidence. The Strike Out applications 7. Article 24 (1) of the Employment and Discrimination Tribunal (Procedure) (Jersey) Order 2016 ("The Procedure Order") is in the following terms; "At any stage of the proceedings, either on its own initiative or on the application of a party, the Tribunal may strike out all or part of a claim or response on any of the following grounds (a) that it is scandalous or vexatious or has no reasonable prospect of success; (b) that the manner in which the proceedings have been conducted by or on behalf of the complainant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious; (c) for non-compliance with any provision of this Order or with an order of the Tribunal; (d) that it has not been actively pursued; (e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim or response (or the part to be struck out)." 8. The Respondents' written and oral submissions in relation to the strike out claims in relation to both sets of proceedings contained significant areas of overlap. Similarly, the Claimant's written and oral submissions dealt with a number of areas of law common to both sets of proceedings. It is nevertheless appropriate to deal with two proceedings separately. Case No. 64/24 9. The Respondents' detailed grounds may be summarised as set out below. The Claimant's submissions are dealt with in the Discussion section below. 10. The Respondents' submissions were in essence as follows; (i) The claims have no reasonable prospects of success (a) It was asserted that the Claimant had three successive contracts of employment with Sarum and was under no obligation to renew her first or second contracts. On that basis the Respondents asserted that no claims in relation to alleged sexual harassment or other forms of discrimination should be considered prior to her third employment contract, presumably on the basis that such claims were inherently unlikely or implausible. (b) There were strong evidential rebuttals by way of the Respondents' witness evidence to the Claimant's allegations. (c) All of the Claimant's alleged claims in relation to complaints prior to 21 January 2024 (the date of the Final Written Warning Letter (the Letter) referred to at paragraph 57 of the Particulars of Claim were out of time. It was further asserted that the claim in relation to the said Letter was also out of time. (ii) Not possible to have a fair hearing. The Respondents' submissions were that the only evidence to be adduced by the Claimant was that of herself and her husband. It was not to be corroborated or supported by any members of Sarum's staff. It was contended by the Respondents that in those circumstances, and given the weight of the Respondents' evidence denying the allegations, it was not possible nor reasonable to expect a fair hearing. (iii) The claim is scandalous or vexatious. The Respondents relied upon various evidential matters which they asserted refuted the Claimant's allegations. Against that background, the Respondents further asserted that the claim was a complete fabrication engineered by Mr

Le Cornu as the Claimant's legal representative, purely for the financial benefit of the Claimant and Mr Le Cornu, and supported by the Claimant's husband for "personal vengeful reasons". (iv) The claim has been conducted in a wholly unreasonable and unacceptable manner. In essence, the Respondents' claim in this regard was that the manner in which the proceedings had been conducted on behalf of the Claimant was scandalous, unreasonable or vexatious. Examples of the alleged conduct included; (a) The involvement and attendance of the Claimant's husband at the various case management hearings and the absence of the Claimant at those hearings. The Respondents contended that the Claimant would not have brought the proceedings had her husband not pressurised his wife to pursue the case. (b) The alleged conduct of Mr Le Cornu allegedly proposing numerous settlement terms in various attempts to conclude by way of a "quick win" the litigation that had been commenced. (c) The alleged spurious nature of the claims advanced by the Claimant. (d) The discontinuance of the proceedings against various other respondents (employees of Sarum). It was asserted that the unreasonable commencement of proceedings against those individuals should be compensated by way of costs orders. (e) It was asserted that the sole motivation of Mr Le Cornu was to earn commission based on any damages awarded to the Claimant. (f) Reliance was placed on the English authority of *Kumi v. Edwardian Pastora Hotels Ltd* (case No. 2216798/2013- 21 November 2024), which is considered below.

Discussion/Conclusion on Case No. 64/24 (i) No reasonable prospects of success 11. The first two limbs of this contention were that the claims were bound to fail given the weight of evidence against the claims or the inherent implausibility of the Claimant's case. 12. As to the legal test in this area this Tribunal has regard to the observations of the tribunal in *Goncalves v. Voisin Department Store and others* [2023] TRE 191; "At a strike-out application the Tribunal must take the Claimant's case at its highest." Mr Le Cornu relies on the case of *Ezsias v North Glamorgan NHS Trust* (2007) EWCA Civ 330 which he says is authority for the proposition that a case can be struck out if the facts as alleged by the Claimant disclose no argument case in law further if there are disputes or facts the case will only be struck out very exceptionally (*E v X* cited above). This can include a situation where an allegation is innately implausible." 13. The Claimant further relied upon *Ezsias* in the instant case. The Tribunal is satisfied that the claims are arguable in law. Given the high legal hurdle in this area the Tribunal is satisfied that none of the claims in the Particulars of Claim against the Respondents are liable to be struck out on this basis. Whether the claim prevails or otherwise at the Final Hearing will depend on the weight of evidence and the credibility of the respective witnesses of the respective parties. 14. The Respondents further contended under this head that the claims in relation to alleged discriminatory acts or omissions which occurred prior to 21 January 2024 (including in relation to the Letter) should be struck out as they are out of time. 15. Article 37 (2) (b) (i) of the Discrimination (Jersey) Law 2013 ('the Discrimination Law') contains an eight week time limit to commence discrimination claims "beginning with the date of the act or the last act, to which the complaint relates." Further, Article 37 (3) of the Discrimination Law provides that 'any act prohibited by this law which extends over a period is to be treated as done as the end of the period'. 16. The Claim Form was filed on 21 March 2024. This has the effect that any claim in relation to any act that

occurred before 25 January 2024 would be out of time unless it was a continuing act. There is a continuing act if there is an ongoing continuing state of affairs which amounts to discrimination (*Hendricks v Metropolitan Police Commissioner* [2002] EWCA Civ.1696). 17. In determining whether conduct extending over a period is in time, at least one of the acts of alleged discrimination must be within the eight week time limit (*E v X and Others* UKEAT/0089/20RN). 18. Paragraph 20 of the Particulars of Claim in the instant case asserts; “Any apparently separate acts and omissions are linked as being part of a continuing discriminatory state of affairs as to amount to an act which extends over a period.” 19. As indicated above, the last discriminatory act relied upon by the Claimant is the alleged failure by Sarum to address the Claimant’s appeal and grievance which failure continued until the Claimant’s resignation on 5 March 2024. (See paragraphs 67-73 of the Particulars of Claim). 20. In relation to the law on extended acts and how it will be applied by the Tribunal in Jersey, this Tribunal has had regard to the Tribunal’s judgment in *Francisco v States Employment Board* [2024] TRE 127 and in particular paragraphs 31 and 32 thereof which are in the following terms;

31. “If the basis for an extended act is not set out in the Claim Form or further particulars, claims arising from acts before the primary limitation period may be struck out at an interim hearing.”
32. “Where an act does not extend but is a discreet act of discrimination, earlier acts can be evidence that helps to establish the discriminatory nature of a later act. A Claimant may therefore include in their Claim Form details of earlier acts as evidence of the discriminatory nature of a later act.” 21. In the circumstances of this case, which include the advanced state of preparation for trial and the filing of extensive witness evidence by the parties, the correct approach is to determine at the final hearing whether the earlier alleged acts of discrimination are valid substantive claims or whether they are merely evidence of the discriminatory nature of a later act or acts. Not possible to have a fair hearing 22. The Respondents’ contentions under this head in essence appear to amount to an assertion that there is an imbalance in the contest between the Claimant’s limited evidence and (it is to be inferred) the Respondents’ compelling extensive evidence. The evaluation of the weight and credibility of the evidence at a final hearing is precisely one of the key functions of the Tribunal and does not go to the issue as to whether or not it is possible to have a fair hearing. Accordingly, this ground is rejected. The claim is scandalous or vexatious 23. The Tribunal has had regard to the observations of the Royal Court in *Haden - Taylor*
- v. *Canopus and others* [2015] (1) JLR 224; “108. In *Channel Islands v. Pike* in order to strike out a pleading on the ground that it was scandalous required it to be shown that the pleading contained unnecessary allegations or allegations that were unnecessary to the main issues between the parties.
109. In *Mauger v. Batty* the court held that the discretionary power to allow striking out of a frivolous or vexatious action should only be exercised in clear cases and taking into account all of the evidence.” 24. As previously indicated, the Tribunal concludes that the claims are

arguable in law. The matters alleged by the Respondents do not meet the high test in this area and this ground is thus rejected. The manner in which the proceedings were conducted has been scandalous unreasonable or vexatious 25. The Tribunal has regard to the legal principles outlined at paragraph 23 above. 26. The Tribunal finds that there is insufficient evidence to prove the allegations under this head. Further, many of those allegations do not go to the issue as to whether the proceedings have been conducted in a scandalous, unreasonable or vexatious manner so as to justify a strike out. Indeed, one of the contentions is that the Claimant should be subject to an adverse cost order in relation to the discontinuance of claims against certain of the former Respondents. Such an application would need to be made under Article 40(A) of the Procedure Order at the conclusion of the proceedings, and issues may arise as to the locus or standing of the current Respondents to make any such an application in relation that issue. 27. Reliance was placed by the Respondents on the authority of Kumi (cited above) and in particular paragraph 85 thereof which referred to “weaponising the employment laws... for significant financial gain”. 28. Paragraphs 84 and 85 of the said Judgment are in the following terms; “84. ... I accept that the reason why the claimant chose covertly to record every interaction he had with the respondent’s employees was for the purposes of manufacturing an employment dispute with the respondent so that he could litigate to secure a significant payout. The purpose of the covert recordings was to create evidence of such manufactured complaints to support his obtaining a settlement. 85. The claimant submitted at this hearing that all he was trying to do was to enforce his legitimate employment rights. However, it follows from the factual findings set out above that I do not accept that this was his motivation; his motivation in bringing in the claim was not to enforce legitimate employment rights; rather, it was a pre – planned attempt to extort as much money as possible from the respondent. As Ms Marais aptly put it in her witness statement, the claimant was “seeking to effectively “weaponise” the employment laws of the United Kingdom and the Employment Tribunal system for significant financial gain”. 29. In Kumi, the claimant was only employed by the Respondent for five days, and as the court found he chose covertly to record every interaction he had with his employer’s employees for the purposes of manufacturing an employment dispute with his employer. In those circumstances it is understandable that the Employment Tribunal in that case concluded that the claimant was not seeking to enforce his legitimate employment rights but rather was engaged in a pre-planned attempt to extort as much money as possible from his employer This Tribunal concludes that it cannot reasonably be asserted that the Claimant in the instant case (or Mr Le Cornu on her behalf) is not seeking to enforce legitimate employment rights.

Conclusion

30. For the reasons outlined above, the Claimant’s application to strike out the proceedings under Case No.64/24 is dismissed. Case No.110/25 31. The Respondents’ detailed grounds are set out in their written submissions dated 12 January 2026 and other documents, including the email of 17 November 2025 to the Tribunal and a subsequent email to the Tribunal dated

5 March 2026, and developed orally at the Interim Hearing. They can be summarised as set out below. The Claimant's submissions are dealt with in the Discussion section below. 32. The Respondents' submissions were in essence as follows: (i) The claims have no reasonable prospect of success (a) It was asserted that the Claimant had suffered no detriment as a result of the Respondents' alleged actions in relation to the references referred to in the Amended Particulars of Claim either (i) financially (as she obtained employment with two new employers despite the references issued) or (ii) psychologically or as she was "morally and duty bound" to be "up-front" in her job applications as to the alleged sexual abuse she suffered or her mental health issues. (b) The Claimant's evidence is hearsay. (c) The Claimant had no reasonable prospect of success in establishing that the content of the references provided resulted in a detriment to or arose from discrimination in relation to any protected characteristic. (d) Declining to give a reference could only be discriminatory where an employer was contractually obliged to provide a reference. (ii) Not possible to have a fair hearing. The Respondents' submissions were that the only evidence to be adduced by the Claimant was that of herself and possibly her husband, which evidence was hearsay and not credible. In those circumstances it was submitted that it was not possible to have a fair hearing. (iii) The claim is scandalous or vexatious The Respondents asserted that subject to minor exceptions, the entirety of the Claimant's Amended Particulars of Claim was denied on the grounds that assertions were incorrect, misleading or irrelevant. (iv) The claim has been conducted in a wholly unreasonable and unacceptable manner / in a vexatious or scandalous manner The Respondents' contentions under this limb included; a) Many of the allegations in Case No. 110/25 are inaccurate and misleading or repetitive of the claims in Case No. 64/24 leading to wasted time incurred by the Respondents. b) The 110/25 proceedings were a vexatious tactic by the Claimant and Mr Le Cornu as her adviser to overwhelm the Respondents with time consuming tasks which diverted them from dealing with multiple applications by the Claimant in Case No. 64/24. c) The claim has been concocted or exaggerated by the claimants and/or Mr Le Cornu to generate income for Mr Le Cornu, the Claimant and her husband, and to exact revenge for the benefit of her husband for the alleged previous treatment of him by Sarum. d) Reliance was placed on Kumi (cited above). e) Adverse costs should be awarded against the claimant and her legal adviser. (v) Striking out would be beneficial to the Claimant as she was otherwise at risk of an adverse costs order as a result of poor advice from her legal adviser It is to be observed that this is not a relevant or valid ground for a strikeout and is not considered further by the Tribunal. (vi) Abuse of process Reliance was placed on Thompson v Beaulieu Convent School [2025] TRE 225 which is considered below. Discussion / Conclusion on Case No. 110/25 33. No reasonable prospects of success. The Respondents' assert that the Claimant has suffered no detriment either financially or otherwise. Article 42 of the Discrimination Law provides that where the Tribunal finds that a complaint is well founded it may "order the respondent to pay to the complainant compensation for financial loss, and hurt and distress". 34. It is noted at paragraph 76 of the Claimant's Amended Particulars of Claim the Claimant seeks an order for compensation for financial loss and hurt and distress, in accordance with Article 42 of the Discrimination Law. 35.

Issues

as to the appropriate remedy in circumstances where the Tribunal may find a complaint is well founded are clearly matters for a Final Hearing and not an interim strike-out application. 36. As to the Respondents' contention that declining to give a reference cannot be discriminatory, it is to be observed that the Claimant's claims in relation to references in her Amended Particulars of Claim are confined to the terms of the reference which was provided on 28 April 2025. The issue as to remedies where the provision of a reference is declined does not thus arise on the facts. 37. As to the Respondents' contention that the Claimant's evidence was hearsay and bound to fail the Tribunal has again had regard to the authority of *Goncalves* (referred to at paragraph 12 herein. Further, the Tribunal is not bound by any rule of law relating to the admissibility of evidence in proceedings before the courts (Article 26 (4) of the Procedure Order) and may thus have regard to hearsay evidence. 38. The Tribunal is satisfied that the claims in Case No. 110/25 are legally arguable, and are thus not liable to be struck out on that basis. Whether the claims prevail or otherwise at the Final Hearing will depend on the weight of the evidence and the credibility of the respective witnesses of the parties. Not possible to have a fair hearing. 39. As indicated at paragraph 37 herein the Tribunal may have regard to hearsay evidence. The evaluation of the weight and credibility of the evidence at a Final Hearing is one of the key functions of the tribunal and does not go to the issue as to whether it is or not possible to have a fair hearing. The claim is scandalous or vexatious. 40. The Tribunal refers to the legal principles set out at paragraph 23 herein. The claims pleaded are arguable in law. Whether the allegations are misleading, irrelevant or otherwise is a matter to be determined at the Final Hearing. This ground is thus rejected. The manner in which the proceedings have been conducted has been scandalous, vexatious or unreasonable 41. The Tribunal again has regard to the legal principles set out at paragraph 23 herein. 42. The Tribunal repeats its finding that the claims in these proceedings are legally arguable. There is no compelling evidence that the proceedings have been conducted in a manner designed to "overwhelm" the Respondents as alleged. Further there is insufficient evidence to support the allegation in relation to the motivation of the claimant, Mr Le Cornu or the Claimant's husband as alleged. 43. The Respondents relied upon the authority of *Kumi* (cited above) in the same manner as they had in relation to their submissions in relation to Case No. 64/25. The Tribunal repeats the observations it has made in this regard at paragraphs 27 and 28 herein. 44. As to the question of costs, pursuant to Article 40 (A) of the Procedure Order, an application for a costs order on the grounds a party (or their representative) has acted vexatiously, abusively or otherwise unreasonably either in the bringing of proceedings or in the conduct of those proceedings must be made to the Tribunal at the conclusion of the proceedings. It is thus not appropriate to deal with any potential applications for costs at this stage. Abuse of process 45. The Respondents placed reliance on *Thompson* (cited above), and in particular paragraphs 27 and 28 thereof which are in the following terms; "27. The Claimant issued a second claim advancing discrimination complaints arising from the same factual matrix as an existing unfair dismissal claim. The Tribunal finds that once the Claimant became aware of the alleged discriminatory basis of those complaints during the currency of the first proceedings, the reasonable proportionate course was to apply to amend the existing claim. Issuing a second

claim instead amounts to an abusive process under the principles in *Henderson v Henderson*, as applied in *Szucs*. The second claim is therefore struck out.

28. The Claimant should have sought to advance the discrimination complaints by way of amendment to the First Claim. The issue of a second claim in these circumstances amounts to impermissible duplication of proceedings.” 46. The brief facts of *Thompson* were that the claimant’s first claim (commenced in June 2025) contained a claim for unfair dismissal only. Subsequently in October 2025 the claimant issued a second claim for discrimination which arose out of the same factual matrix. As the Tribunal observed; “16. The present case (i.e. the second claim) does not concern wholly new events occurring after the conclusion of the First Claim. Rather, it concerns a reformulation of complaints arising out of the same factual matrix as the First Claim. 17. The First Claim was advanced as a claim for unfair dismissal only, and expressly says there was no discrimination claim. The second claim advances discrimination complaints arising from the same course of events, and dismissal.” 47. Against that background it is unsurprising that the Tribunal reached the conclusions it did at paragraphs 27 and 28 of its judgment. 48. The factual matrix is quite different in the instant case. 49. The proceedings in Case No. 64/24 relate to facts and matters arising during the course of the Claimant’s employment with Sarum. The last factual matter pleaded is the Claimant’s resignation on 5th March 2024. 50. In contrast the proceedings in Case No. 110/25 concern claims arising after the termination of Claimant’s employment. Whilst certain factual matters in relation to the Claimant’s employment are pleaded by way of background at paragraphs 4 – 16 of the Amended Particulars of Claim, the first substantive matter relied upon in relation to the claims in 110/25 is the request for a reference by the Claimant’s new potential employers which was made on 6th March
2024. Further, the claims in 110/25 are confined to claims arising out of the reference given by Sarum on 28 April 2025 and to the allegation allegedly made by Mr Weston on 28th May 2025. 51. The claims in Case No. 110/25 do not arise from the same factual matrix as that in Case No. 64/24. The principles in *Thompson* thus do not apply. This ground is thus rejected.

Conclusion

52. For the reasons set out above the application to strike out the proceedings under Case No. 110/25 is dismissed. Advocate F.B. Robertson, Deputy Chair Dated: 24 March 2026

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