

**IN THE COURT OF APPEAL (CIVIL DIVISION)**

**A2/2019/3019**

**ON APPEAL FROM THE EMPLOYMENT APPEAL TRIBUNAL**

**BEFORE LORD JUSTICE BEAN, LORD JUSTICE MALES**

**AND LORD JUSTICE PHILLIPS**

**B E T W E E N:**

**SAMANTHA WALKER**

Claimant/Appellant

and

**(1) CO-OPERATIVE GROUP LIMITED**

**(2) RICHARD PENNYCOOK**

Respondents

**ORDER**

UPON hearing Counsel for the Appellant and the Respondents

IT IS ORDERED THAT:

1. The appeal is dismissed.
2. The order of the Employment Appeal Tribunal dated 11 October 2019 is upheld and the finding of the Employment Tribunal of 13 November 2018 that the material factor defence fails is set aside. The Appellant's claim of equal pay is dismissed.
3. The Appellant shall pay to the Respondents the costs of the proceedings in the Court of Appeal to be assessed if not agreed. The Appellant shall pay the sum of £20,000 as an interim payment on account of costs by 4 September 2020.
4. Permission to appeal to the Supreme Court is refused.

**14 August 2020**