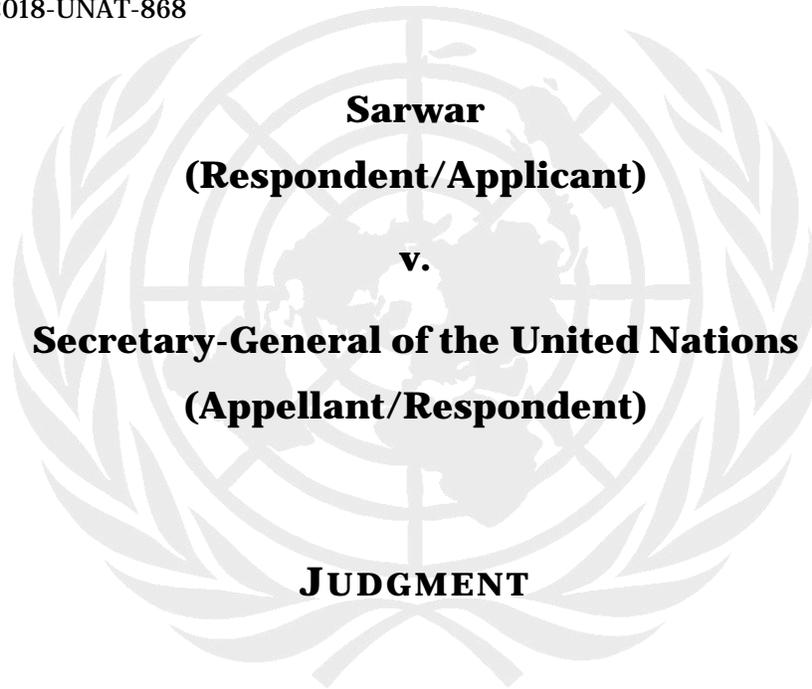




**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2018-UNAT-868



**Sarwar
(Respondent/Applicant)**

v.

**Secretary-General of the United Nations
(Appellant/Respondent)**

JUDGMENT

Before:	Judge Deborah Thomas-Felix, Presiding Judge Dimitrios Raikos Judge Sabine Knierim
Case No.:	2018-1160
Date:	26 October 2018
Registrar:	Weicheng Lin

Counsel for Mr. Sarwar:	George G. Irving
Counsel for Secretary-General:	Stéphanie Cartier

JUDGE DEBORAH THOMAS-FELIX, PRESIDING.

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal against Judgment No. UNDT/2018/005, rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York on 12 January 2018, in the case of *Sarwar v. Secretary-General of the United Nations*. The Secretary-General filed the appeal on 13 March 2018, and Mr. Golam Sarwar filed his answer on 2 April 2018.

Facts and Procedure

2. Mr. Sarwar is a former Associate Social Affairs Officer, who served at the P-2 level, in the Division for Social Policy and Development (DSPD), Department of Economic and Social Affairs (DESA). By letter dated 16 December 2011, Mr. Sarwar received an offer of a two-year fixed-term appointment as an Associate Social Affairs Officer at the P-2 level, step 6, after successfully completing the National Competitive Recruitment Examination (NCRE) in 2009 and being placed on a roster.

3. In November 2013, Mr. Sarwar's First Reporting Officer (FRO) and Second Reporting Officer (SRO) completed his performance appraisal for the 2012–2013 cycle and Mr. Sarwar received an overall rating of "D – does not meet performance expectations", the lowest rating available.

4. On 6 December 2013, Mr. Sarwar submitted a rebuttal statement with respect to his rating for the 2012–2013 cycle.

5. On 28 January 2014, the rebuttal panel issued a report in which it concluded that the overall rating should be changed to "C – partially meets performance expectations".

6. In May 2014, Mr. Sarwar's FRO and SRO completed his performance appraisal for the 2013–2014 cycle, assigning an overall rating of "D – does not meet expectations".

7. On 25 June 2014, Mr. Sarwar submitted a rebuttal statement in respect to his evaluation for the 2013–2014 performance cycle.

8. In a report dated 14 October 2014, the second rebuttal panel concluded that Mr. Sarwar's rating for the 2013–2014 performance cycle should be changed to "C – partially meets performance expectations".

9. On 20 October 2014, Mr. Sarwar submitted a formal complaint of harassment, discriminatory treatment and abuse of authority against his FRO and SRO, pursuant to the Secretary-General's bulletin ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority).

10. On 30 October 2014, the Director, DSPD, DESA, addressed a letter to Mr. Sarwar conveying the decision not to grant him a continuing appointment and to separate him from service upon the expiration of his fixed-term appointment on 30 November 2014. The letter stated that the decision had been based on the reports of the rebuttal panels for the past two e-Performance cycles, which determined that Mr. Sarwar's service only partially met expectations.

11. On 7 November 2014, Mr. Sarwar requested management evaluation of the decision to separate him from service.

12. By letter dated 4 December 2014, the Under-Secretary-General of the Department of Management (USG/DM) informed Mr. Sarwar that the Secretary-General had decided to uphold the decision to separate him from service.

13. On 7 December 2014, Mr. Sarwar was separated from service upon the expiration of his fixed-term appointment.¹

14. On 26 December 2014, following a review of Mr. Sarwar's complaint of 20 October 2014 under ST/SGB/2008/5, the USG/DESA convened a fact-finding panel (Investigation Panel) to conduct an investigation into Mr. Sarwar's complaint. The Investigation Panel composed of two investigators from the roster of trained investigators maintained by the Office of Human Resources Management (OHRM).

¹ On 12 February 2015, Mr. Sarwar filed an application before the UNDT, contesting, *inter alia*, the decision to separate him from service upon the expiration of his fixed-term appointment on grounds of unsatisfactory performance. On 28 September 2016, the UNDT issued a judgment on Mr. Sarwar's application challenging the decision to separate Mr. Sarwar from service. The said judgment was subsequently vacated by this Tribunal. In particular, this Tribunal found that "there [was] nothing on record to suggest that the standards and performance expectations to which Mr. Sarwar was held were manifestly unfair" and that "there [was] no basis for holding the decision to separate Mr. Sarwar from service as unlawful". As set out in more detail below, the impugned Judgment relates to the decision to close Mr. Sarwar's complaint of harassment and abuse of authority pursuant to ST/SGB/2008/5 and that administrative decision is the subject of this appeal.

15. On 28 January 2015, the Investigation Panel interviewed Mr. Sarwar by telephone. On 29 January 2015, Mr. Sarwar confirmed that the transcript of his interview accurately reflected what he had said during his interview with the Investigation Panel.

16. On 5 February 2015, Mr. Sarwar provided the Investigation Panel with additional information to elaborate on some of the questions asked during the interview. The Investigation Panel then interviewed Mr. Sarwar's former FRO and SRO against whom the complaint had been made. Based on the interviews and the evidentiary materials, the Investigation Panel interviewed two additional witnesses.

17. Having examined each of Mr. Sarwar's substantive allegations, the Investigation Panel determined that they were not supported by the evidence. Accordingly, the Investigation Panel concluded that the facts and the evidence demonstrated that the conduct of Mr. Sarwar's former FRO and SRO did not constitute prohibited conduct under ST/SGB/2008/5.

18. On 14 May 2015, the USG/DESA, upon review of the investigation report, sent a letter to Mr. Sarwar conveying his decision to close the matter underlying Mr. Sarwar's complaint on the basis that the record of the investigation report had not established prohibited conduct. The said letter was erroneously sent to an incorrect e-mail address. As a result, Mr. Sarwar was not notified of the outcome until 26 February 2016.

19. On 14 April 2016, Mr. Sarwar filed a request for a management evaluation of the "[r]ejection by [DESA] of [his] formal complaint of harassment and abuse of authority against [his FRO and SRO] without an investigation".

20. On 26 September 2016, Mr. Sarwar filed an application before the UNDT, contesting the "rejection of [his] formal complaint of harassment and abuse of authority against [his FRO and SRO] without an investigation".²

21. On 12 January 2018, the UNDT issued the impugned Judgment, holding that the Investigation Panel incorrectly found that there had been no harassment or abuse of authority within the meaning of ST/SGB/2008/5. The UNDT concluded, *inter alia*, that Mr. Sarwar's real chances to improve his performance were denied to him and that his supervisors

² In the impugned Judgment, para. 58, the UNDT noted that "a fact-finding investigation was conducted in the case by a panel established by the USG/DESA (...) and that the allegation that the contested decision was taken without an investigation is not correct and is to be rejected".

negatively influenced his career. The UNDT also found that there had been procedural irregularities in connection with the process under ST/SGB/2008/5. In particular, the UNDT noted that there had been unlawful procedural delays with respect to reviewing and investigating Mr. Sarwar's complaint. The UNDT rescinded the contested decision to close the matter underlying Mr. Sarwar's formal complaint, and held that there was no need for a new investigation as Mr. Sarwar was found to be the victim of harassment and abuse of authority by his FRO and SRO. In addition, the UNDT awarded compensation of one year's net base salary as moral damages.

Submissions

The Secretary-General's Appeal

22. The Secretary-General submits that the UNDT exceeded its competence and erred in law by re-opening a matter that had already been the subject of a final judgment by the Appeals Tribunal and was, thus, *res judicata*. In particular, Mr. Sarwar's claim of harassment and unfair treatment in relation to the assessment of his performance by his FRO and SRO had already been dismissed when the Appeals Tribunal considered the decision to separate Mr. Sarwar in the case of *Sarwar* and concluded that there was no basis to find that he had been treated unfairly.³ By reconsidering the performance evaluations, the rebuttal panel reports and the decision to separate Mr. Sarwar, the UNDT in fact re-opened a matter that had already been the subject of a final judgment.

23. The Secretary-General contends that the UNDT exceeded its competence and erred in law by usurping the role of the Investigation Panel. The UNDT made its own determination on the merits of Mr. Sarwar's complaint by finding that the Investigation Panel had incorrectly concluded that there had been no harassment or abuse of authority. The Appeals Tribunal has held that the UNDT has no jurisdiction to conduct a *de novo* investigation of a harassment complaint and that it is not the role of the UNDT to substitute its own decision for that of the Secretary-General. In the present case, the UNDT did not limit its review to determining whether the investigation had been properly conducted or whether the Administration's response following the request for an investigation had been done in accordance with the applicable law and had been rational. In fact, by concluding that Mr. Sarwar had been subjected to harassment and abuse of authority, the UNDT itself performed the functions of the Investigation Panel.

³ *Sarwar v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-757.

24. The UNDT erred in finding that there had been unlawful procedural delays with respect to reviewing and investigating Mr. Sarwar's complaint. Mr. Sarwar submitted his complaint to the USG/DESA on 20 October 2014. Section 5.17 of ST/SGB/2008/5 provides that the Investigation Panel is required to submit the investigation report to the responsible official "normally no later than three months from the date of submission of the formal complaint". The decision to appoint the Investigation Panel was conveyed to Mr. Sarwar on 26 December 2014 and the investigation report was submitted to the USG/DESA on 13 April 2015. Following a review of the investigation report as well as of the voluminous documentary evidence in the present case, the USG/DESA sent a letter conveying his decision to close the complaint on 14 May 2015.⁴ The entire process took seven months from the receipt of the complaint to the decision to close it. Moreover, the error in an e-mail address was corrected as soon as it became known, and Mr. Sarwar was not deprived of the right to request a management evaluation of the decision to close his complaint because of such error. Therefore, the UNDT erred in fact by finding that there had been an undue delay.

25. The UNDT erred on a question of fact in finding that the Investigation Panel had made a commitment to hold a second interview with Mr. Sarwar. The Investigation Panel had the discretionary authority to decide not to hold a second interview with Mr. Sarwar. Moreover, nowhere in the record of the case is there a commitment to hold a second interview. Even assuming that the Interview Panel had contemplated the possibility of re-interviewing Mr. Sarwar, there is no right to be re-interviewed. Section 5.15 of ST/SGB/2008/5 does not require that more than one interview be conducted with one specific person. In the present case, Mr. Sarwar was given a full opportunity to present his account of the facts underlying his complaint during his interview with the Investigation Panel. He was provided with the opportunity to review and sign the record of his interview. He also availed himself of the possibility of submitting additional documentary evidence following the interview. Thus, the UNDT erred in finding that the Investigation Panel had erred by not re-interviewing Mr. Sarwar after his first interview.

26. Finally, the UNDT erred on a question of law in awarding one year's net base salary as compensation for moral damage. To support the finding that Mr. Sarwar had suffered moral harm, the UNDT stated that it had relied on Mr. Sarwar's testimony, as well as on all the

⁴ As noted above, the USG/DESA's letter of 14 May 2015 was erroneously sent to an incorrect e-mail address. As a result, Mr. Sarwar was notified of the USG/DESA's decision to close his complaint only on 26 February 2016.

particular circumstances of the case. Mr. Sarwar had filed a medical note dated 2 June 2014 suggesting that he take a one-week leave, another medical note which states that on 6 November 2014, he was “stressed at work, can’t concentrate”, and another medical note by another doctor, who Mr. Sarwar said was his brother, stating that Mr. Sarwar had been treated for generalized anxiety and depression from January 2015 to June 2015. Mr. Sarwar became aware of the decision to close his complaint on 26 February 2016. Therefore, any moral harm allegedly sustained before that day cannot be directly attributable to the decision to close his complaint, since it was either unknown to Mr. Sarwar or it had not yet been taken. Rather, the UNDT’s award of compensation appears to be directly related to the performance assessment/rebuttal processes, and the decision to separate Mr. Sarwar from the service of the Organization, which were all determined by the Appeals Tribunal to be lawful in *Sarwar*⁵ and therefore should not be the basis for compensation.

27. The Secretary-General requests that the Appeals Tribunal vacate the Judgment in its entirety. In the event that the Appeals Tribunal finds that the decision to close Mr. Sarwar’s complaint was unlawful, the Secretary-General requests that the Appeals Tribunal vacate or reduce the award of compensation for moral harm.

Mr. Sarwar’s Answer

28. Mr. Sarwar submits that contrary to the Secretary-General’s assertion, the UNDT did not embark on re-opening his performance ratings. Rather, the UNDT examined Mr. Sarwar’s claims of harassment and abuse of authority in terms of how his work and career were managed by his FRO and SRO. In this respect, the two rebuttal reports that covered the initial two years of service were highly relevant since they were highly critical of the way in which Mr. Sarwar was managed and found evidence of “cultural insensitivity”. Moreover, while the case of *Sarwar*⁶ concerned the non-renewal of Mr. Sarwar’s fixed-term appointment on the grounds of performance, it did not deal with the rejection of his complaint of harassment and abuse of authority, which was not part of the contested decision. Therefore, there was no re-opening of a matter that had already been the subject of a final judgment by the Appeals Tribunal, and was thus not a matter of *res judicata*.

⁵ *Sarwar v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-757.

⁶ *Ibid.*

29. Contrary to the Secretary-General's assertion, Mr. Sarwar submits that the UNDT carefully and correctly limited its task to reviewing the alleged facts in order to determine if they are established and to considering if the established facts can be regarded as acts of discrimination, harassment and abuse of authority. Specifically, the UNDT, after reviewing the evidence that was presented to the Investigation Panel, considered that the findings and recommendations/conclusions made by the Investigation Panel were not supported by the evidence and therefore incorrect. In doing so, the UNDT did not usurp the role of the Investigation Panel, but rather provided a proper judicial review of the evidence against the legal requirements. To suggest that this amounts to an unauthorized *de novo* investigation is to deny staff members of any judicial remedy should they feel the rejection of a complaint is improper. By attempting to confine the role of judicial review to the issue as to whether the *pro forma* procedural requirements for handling a complaint were followed, the Secretary-General is in fact trying to suppress a conclusion he does not like and unreasonably limit access to justice.

30. As for the procedural delay, Mr. Sarwar submits that he became increasingly disturbed by the cursory manner in which his complaint was treated, initially by the lack of any remedial efforts and later by the unconscionable delays in light of his professional dislocation. In particular, the submission of the investigation report, which is normally expected within three months, took twice as long. The Secretary-General's categorization of "voluminous documentary evidence" is intentionally misleading as Mr. Sarwar was expected to produce the documentation at issue and there is little evidence of any real analysis of the documentation. The Secretary-General's claim of "error" in sending a confidential report to an invalid e-mail address is likewise disingenuous. The Investigation Panel had no trouble in contacting Mr. Sarwar and they knew the correct contacts and those of his counsel. There was no follow up to ensure receipt of the investigation report and no response to Mr. Sarwar's inquiries until the lack of response had been brought to the Tribunal's attention.

31. With respect to the lack of a second interview, Mr. Sarwar notes that the fact that the Chair of the Investigation Panel had stressed that it was an initial interview and that they would speak with Mr. Sarwar again was not contested by the Secretary-General in the proceedings and was therefore admitted. It is thus not open to the Secretary-General to raise this matter on appeal. Mr. Sarwar had proceeded with the requested interview only a few days after arriving in the United Kingdom with no access to his files or records. The failure to provide Mr. Sarwar with

an opportunity to rebut the information provided by his supervisors and the neglect to interview anyone from the rebuttal panels reflects a failure of justice which the UNDT was correct to cite along with other substantive irregularities.

32. Mr. Sarwar further submits that the UNDT correctly identified the harassing behavior and the consequences of the Organization's failure to address the problem, following which it carefully assessed the quantum of damages in accordance with the Appeals Tribunal's standard of proof. In fact, moral damages are the only remedy available in cases of breach of a staff member's right to a proper working environment, violation of his right to due process, and the right not to be subjected to harassment and abuse of authority. In the present case, the offensive and humiliating conduct of Mr. Sarwar's supervisors and peers directly led to the ending of Mr. Sarwar's United Nations career. The UNDT carefully weighed the psychological impact of the mistreatment Mr. Sarwar received while employed, as well as the damage from violation of his due process rights arising from the failure to address his complaint properly. To conclude, the surrounding circumstances of the case warrant the compensation ordered and, as such, there is no basis for claiming that the award of damages was disproportionate.

33. For the foregoing reasons, Mr. Sarwar requests that the Appeals Tribunal reject the Secretary-General's appeal in its entirety.

Considerations

34. The Secretary-General contends that the UNDT exceeded its competence and erred in law by re-opening a matter that had already been the subject of a final judgment by the Appeals Tribunal and was thus *res judicata*. Specifically, the Secretary-General claims that Mr. Sarwar's complaint of harassment in relation to the assessment of his performance by his FRO and SRO had already been dismissed when the Appeals Tribunal considered the decision to separate him on the grounds of unsatisfactory performance in the case of *Sarwar*.⁷ The Secretary-General maintains that the UNDT erred by reconsidering Mr. Sarwar's performance evaluations and the rebuttal panel reports.

⁷ *Sarwar v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-757.

35. Mr. Sarwar submits in his answer to the appeal that it was not a matter of *res judicata* since the UNDT examined his claims of harassment and abuse of authority “in terms of how his work and career were managed by his FRO and SRO” and that “[i]n this respect, the two rebuttal reports that covered the initial two years of service were highly relevant”.

36. The UNDT considered that Mr. Sarwar was subjected to harassment and abuse of authority from both his FRO and SRO and that he had no real chance to improve his performance.⁸ Indeed, Mr. Sarwar’s harassment complaint related to the assessment of his performance by his FRO and SRO. We note that, in the case of *Sarwar*, this Tribunal concluded that: “There can be no denying that Mr. Sarwar was acquainted with what was expected of him, was properly assessed in numerous assignments, was afforded an opportunity to improve and failed to do so in key performance areas, thus demonstrating his unsuitability for the position.”⁹ In this regard, we agree with the Secretary-General that the UNDT erred in law by re-opening a matter that had already been the subject of a final judgment of this Tribunal.

37. Even if the matter could not be construed as *res judicata*, we consider that the UNDT exceeded its competence and erred in law by making its own determination of Mr. Sarwar’s harassment complaint.

38. Secretary-General’s bulletin ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority) provides in relevant part:

5.18 On the basis of the [investigation] report, the responsible official shall take one of the following courses of action:

(a) If the report indicates that no prohibited conduct took place, the responsible official will close the case and so inform the alleged offender and the aggrieved individual, giving a summary of the findings and conclusions of the investigation;

(b) If the report indicates that there was a factual basis for the allegations but that, while not sufficient to justify the institution of disciplinary proceedings, the facts would warrant managerial action, the responsible official shall decide on the type of managerial action to be taken, inform the staff member concerned, and make arrangements for the implementation of any follow-up measures that may be necessary. Managerial action may include mandatory training, reprimand, a change of functions or responsibilities,

⁸ Impugned Judgment, para. 130.

⁹ *Sarwar v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-757, para. 88.

counselling or other appropriate corrective measures. The responsible official shall inform the aggrieved individual of the outcome of the investigation and of the action taken;

(c) If the report indicates that the allegations were well-founded and that the conduct in question amounts to possible misconduct, the responsible official shall refer the matter to the Assistant Secretary-General for Human Resources Management for disciplinary action and may recommend suspension during disciplinary proceedings, depending on the nature and gravity of the conduct in question. The Assistant Secretary-General for Human Resources Management will proceed in accordance with the applicable disciplinary procedures and will inform the aggrieved individual of the outcome of the investigation and of the action taken.

In accordance with the above provisions, one of the functions of the responsible official (in this case the USG/DESA) is to evaluate the reports submitted by the Investigation Panel and to determine whether or not there is a finding of prohibited conduct. In addition, as noted above, the responsible official is tasked with closing the case and informing the parties to the case where the report indicates that no prohibited conduct took place. The wording of Section 5.18 is clear and establishes that these functions reside with the responsible official and not with the UNDT. In the present case, the USG/DESA, in compliance with ST/SGB/2008/5 and upon review of the investigation report, sent a letter to Mr. Sarwar conveying his decision to close the matter underlying his complaint on the basis that the investigation report had not established prohibited conduct. That administrative decision was made in compliance with ST/SGB/2008/5.

39. As it relates to the issue of the scope of the UNDT's review of administrative decisions, we note that the Appeals Tribunal has consistently held that:

In exercising judicial review, the role of the Dispute Tribunal is to determine if the administrative decision under challenge is reasonable and fair, legally and procedurally correct, and proportionate. As a result of judicial review, the Tribunal may find the impugned administrative decision to be unreasonable, unfair, illegal, irrational, procedurally incorrect, or disproportionate. During this process the Dispute Tribunal is not conducting a merit-based review, but a judicial review.¹⁰

¹⁰ *Sanwidi v. Secretary-General of the United Nations*, Judgment. No. 2010-UNAT-084, para. 42.

40. Further, according to the established jurisprudence of this Tribunal, the UNDT does not have the jurisdiction to conduct a *de novo* investigation into a harassment complaint and to substitute its own decision for that of the Secretary-General. As the Appeals Tribunal stated in *Toure*:¹¹

When judging the validity of the Administration's exercise of discretion in administrative matters, the Tribunal determines if the decision is legal, rational, procedurally correct, and proportionate. The Tribunal can consider whether relevant matters have been ignored and irrelevant matters considered, and also examine whether the decision is absurd or perverse. But it is not the role of the Tribunal to consider the correctness of the choice made by the administration amongst the various courses of action open to it. Nor is it the role of the Tribunal to substitute its own decision for that of the Administration.

41. The UNDT erred when it rescinded the contested decision to close the matter underlying Mr. Sarwar's formal complaint, and when it ruled that there was no need for a new investigation as Mr. Sarwar was found to be the victim of harassment and abuse of authority by his FRO and SRO. In fact, the UNDT made its own determination on the merits of Mr. Sarwar's complaint and considered the correctness of the choice made by the Administration. We again emphasise that it is not the role of the Tribunal to substitute its own decision for that of the Administration.

42. As to the question of whether the UNDT erred by finding that there had been unlawful procedural delays with respect to reviewing Mr. Sarwar's harassment complaint and that the Investigation Panel had made a commitment to hold a second interview with Mr. Sarwar, we do not find that such delay and the decision not to hold a second interview to have amounted to a breach of ST/SGB/2008/5. More importantly, we do not find that Mr. Sarwar was prejudiced as a result.

43. Finally, on the issue of compensation, we note that Article 9(b) of the Appeals Tribunal Statute (amended by General Assembly Resolution 69/203) requires, *inter alia*, that compensation for harm be supported by evidence. In the impugned Judgment, the UNDT misinterprets the majority decision in *Kallon*.¹² In that case, the majority determined that compensation may only be awarded for harm when supported by evidence. The Appeals Tribunal also stated as follows in *Auda*: "Generally speaking, the testimony of an

¹¹ *Toure v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-660, para. 30.

¹² *Kallon v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-742.

applicant alone without corroboration by independent evidence (expert or otherwise) affirming that non-pecuniary harm has indeed occurred is not satisfactory proof to support an award of damages.”¹³

44. It should be noted that the medical evidence which Mr. Sarwar relied on at the UNDT hearing spanned from 2014 to June 2015 before he became aware of the decision to close his complaint on 26 February 2016. Therefore, there is no causal link between any moral harm he may have sustained before 26 February 2016 and the decision to close his complaint, since that decision was either unknown to Mr. Sarwar or it had not yet been taken. As such, those medical reports cannot be regarded as evidence in support of a claim for compensation for harm. In view of the foregoing, we find that the UNDT erred in law and exceeded its jurisdiction when it awarded to Mr. Sarwar compensation of “one year’s net base salary as moral damages”.

45. In the circumstances, we uphold the Secretary-General’s appeal.

¹³ *Auda v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-787, para. 64.

Judgment

46. The appeal is upheld and Judgment No. UNDT/2018/005 is hereby vacated.

Original and Authoritative Version: English

Dated this 26th day of October 2018 in New York, United States.

(Signed)

Judge Thomas-Felix,
Presiding

(Signed)

Judge Raikos

(Signed)

Judge Knierim

Entered in the Register on this 20th day of December 2018 in New York, United States.

(Signed)

Weicheng Lin, Registrar