



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

Judgment No. 2020-UNAT-1063

**Niverte Noberasco
(Appellant)**

v.

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

JUDGMENT

Before:	Judge John Raymond Murphy, Presiding Judge Graeme Colgan Judge Kanwaldeep Sandhu
Case No.:	2020-1375
Date:	30 October 2020
Registrar:	Weicheng Lin

Counsel for Appellant:	Mohamed Abdou, OSLA
Counsel for Respondent:	Francisca Lagos Pola

JUDGE JOHN RAYMOND MURPHY, PRESIDING.

1. Ms. Niverte Noberasco, a Senior Staff Assistant at the G-6 level, step 11, with the Library in the United Nations Office at Geneva (UNOG), applied to the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) contesting the decision not to select her for the post of Personal Assistant to the High Commissioner of the Office of the United Nations High Commissioner for Human Rights at the G-7 level with Job Opening no. 68685 (the JO). By Judgment No. UNDT/2020/03, the UNDT dismissed her application. This Tribunal holds that her non-selection for the position was unlawful and awards her compensation for the lost chance of promotion.

Facts and Procedure

2. Pursuant to UNDT Order No. 155 (NY/2019), the parties submitted “joint submissions on the facts”, comprising a stated case of the agreed facts.

3. On 8 November 2016, the JO was advertised in INSPIRA [the online United Nations jobsite] for the position of Personal Assistant to the High Commissioner, G-7, at OHCHR, Geneva, with a closing date of 7 December 2016. Ms. Noberasco applied for the post on 6 December 2016.

4. A total of 33 candidates applied for the position and underwent a preliminary assessment by the Hiring Manager, Ms. MKS, Chief of Office, Executive Direction and Management, OHCHR (the Hiring Manager). The preliminary assessment after an initial screening process resulted in 19 applicants being long-listed and 14 applicants, including Ms. Noberasco, being short-listed and invited for further assessment.

5. Ms. Noberasco’s screening matrix, prepared by the Hiring Manager, indicates that: i) she met the minimum requirements for the post; as she had 18 years and 4 months of administrative experience; and ii) she had highly desirable skills for the post as she had several years of front office experience, including one year and six months as Assistant to the Deputy Director-General, UNOG and two years and six months as Assistant to the Chef de Cabinet, UNOG.

6. The initial screening also indicated that Ms. Noberasco fulfilled other conditions and desirables including over 10 years of United Nations experience, fluency in French and English and completion of the Administrative Support Assessment Test (ASAT).

7. After the withdrawal of one candidate, the 13 remaining shortlisted candidates were invited to participate in a written test between 21 and 23 February 2017. The invitation to the written test stated that the candidate had one and a half hours to prepare and submit an answer from the moment of reception of the invitation, and that failure to return the completed written assessment by the deadline would result in disqualification.

8. On the scheduled date, the written test was sent by e-mail to the shortlisted candidates by Ms. AB. The e-mail copied the Hiring Manager and Ms. JS. Candidates were instructed to submit their answers to Ms. AB.

9. The written assessments comprised three questions of five points each and were graded on the basis of pre-established scoring criteria. A first round cutoff was set at 10 points out of 15 and, if need be, a second round cut-off score was set at nine points. Cutoff/passing grades were to be decided by reviewers before revealing the identities of candidates. All tests were graded by three members Mr. AN, Ms. JS and the Hiring Manager.

10. Ms. Noberasco submitted her test on 23 February 2017 at 16:59. Due to a technical issue with the Administration's e-mail servers, Ms. Noberasco's test was received 31 minutes after the deadline set at 17:00. Her test was thus not graded with the initial batch of assessments and she was disqualified due to a late submission.

11. Of the 13 candidates invited to participate in the written test, four candidates received a passing score of 10 points or more (out of 15 points) and were invited for a competency-based interview. Six candidates did not receive a passing grade, and three candidates (including Ms. Noberasco) were disqualified due to a late submission. The interview panel was composed of the Hiring Manager, Ms. CC, Mr. AN and Mr. JR. Three out of the four interviewed candidates were recommended for the post. On 27 March 2017 a recommendation memorandum was sent from the Hiring Manager to the Chief, PSMS, OHCHR, recommending three candidates.

12. On 4 April 2017 the final transmittal memo for the JO was submitted to the Central Review Panel (CRP) for approval.

13. On 5 April 2017, an e-mail was sent out at the Hiring Manager's request to all candidates who had failed the written assessment, including Ms. Noberasco, to inform them that their application had not been successful. The e-mail, sent by Ms. AB and copied to the Hiring Manager and Ms. JS, stated that the recruitment process had been completed and informed the candidate that he/she had not been selected for the position.

14. On 6 April 2017, one of the candidates who had been disqualified for late submission sent an e-mail claiming that she had submitted her written test before the deadline. Following an exchange of e-mails on the same day with the Hiring Manager, the candidate sent a screenshot of her e-mail containing the answers to the test with the time of submission being reflected as 16:29, i.e. within the prescribed time limits. This led the Hiring Manager to request clarification from the OHCHR Chief Information Technology Officer on a potential delay in the reception of the written tests due to a technical issue.

15. On 10 April 2017, before the technical issue was sorted out, the CRP endorsed the final transmittal memo sent by the Hiring Manager.

16. The next day, 11 April 2017, the Hiring Manager requested that the matter be put on hold while awaiting further information on the technical issue.

17. On 12 April 2017, Ms. AB sent an e-mail to Ms. Noberasco asking her to send a screenshot of the time at which her written test was submitted. Ms. Noberasco immediately submitted the requested screenshot copying both the Hiring Manager and Ms. JS, and sought feedback on her candidacy. OHCHR Information Technology (IT) Services confirmed that two candidates had indeed submitted their tests on time, but the tests were only received 30 minutes later due to a technical issue.

18. Later on the same day, the Hiring Manager requested that the written tests which had been deemed late be sent to the assessment panel for evaluation.

19. The assessment panel (Mr. AN, Ms. JS and the Hiring Manager) subsequently graded Ms. Noberasco's written test with an average score of three for Question one, three and a half for Question two, and three for Question three, giving a total overall score of nine and a half. None of the irregularly disqualified candidates (including Ms. Noberasco) received a passing score of 10 on the written assessment. For that reason, the Hiring Manager opted not to amend or resubmit the final transmittal memo that had been submitted to the CRP on 4 April 2017

prior to the discovery of the irregularity. The Hiring Manager thus relied on the CRP's endorsement of the final transmittal memo dated 10 April 2017 and proceeded with the recommendation for selection.

20. On 21 April 2017, the selection of the successful candidate was processed in Inspira. Ms. Noberasco and all other candidates were informed of the results of the selection exercise on 22 April 2017. Prior to processing the selection, the Hiring Manager informed Ms. CC on 21 April 2017 that she had responded to the candidate who had asked about her written assessment.

21. On 17 May 2017, Ms. Noberasco reiterated her request for an update on her application to which the Hiring Manager responded on 18 May 2017 providing information about the IT related issue, the re-evaluation of her written test, the result of the evaluation, and feedback on her test performance.

22. On 2 June 2017, Ms. Noberasco requested management evaluation of the decision not to select her for the post and eventually filed her application with the UNDT on 11 October 2017.

The Judgment of the UNDT

23. On 10 January 2020, the UNDT issued Judgment No. UNDT/2002/003 dismissing the application. The UNDT held that the failure to amend or re-submit the final transmittal memo meant that the CRP was not given a chance to ensure that Ms. Noberasco's candidature was evaluated on the basis of the corresponding evaluation criteria and that the applicable procedures had been followed in accordance with Sections 1 and 8.1 of Administrative Instruction ST/AI/2010/3 (Staff Selection System) and Section 4.6(a) of Secretary-General's Bulletin ST/SGB/2011/7 (Central Review Bodies). Moreover, contrary to Section 4.6(b) and (c) of ST/SGB/2011/7, the record provided to the CRP was incomplete as it did not (a) contain any information about the mistake of procedure that had occurred, namely the technical IT error; or (b) include any analysis or information whatsoever on Ms. Noberasco and another job candidate's test results. And thus OHCHR did not have the authority to make a selection decision with respect to the particular job opening in terms of Section 8.2 of ST/AI/2010/3. It accordingly held that the Organization failed to demonstrate with a minimal showing that Ms. Noberasco's job candidature was properly assessed by the CRP.

24. The UNDT held further that the assessment panel was precipitate in representing the status of the recruitment process to the unsuccessful candidates. Ms. Noberasco was notified on 5 April 2017 that the “recruitment process has now been completed”¹, when the recruitment process was actually still pending the CRP’s approval.

25. With regard to Ms. Noberasco’s contention that her test was not graded anonymously, the UNDT held in contradictory fashion that “the anonymity of the Applicant was preserved during the entire recruitment process”² but that the Organization had failed on a minimal showing that anonymity had been maintained. The evidence before the UNDT suggested that the Hiring Manager and Ms. JS would have been aware of the fact that Ms. Noberasco and the other candidate had been irregularly disqualified prior to the assessing of their written tests. There were also indications that the Hiring Manager and Ms. JS were copied on the original e-mails inviting all the candidates to take the test and some of the candidates submitted their test responses directly to them. The UNDT referred to point 9, Chapter 7 of the Manual on staff selection system of 2019 (the Manual) which provides that grading is normally anonymous, unless the panel lacks the means to do so or when the nature of the specific assessment type entails revealing the identity of the applicants. The Manual was issued in 2019 and therefore not in effect at the time of the written test but also generally not legally binding. The UNDT, however, accepted the general principle that tests should be graded on an anonymous basis to give full and fair consideration to the job candidatures.

26. The UNDT rejected Ms. Noberasco’s contention that her test was not assessed in an objective and independent manner. Ms. Noberasco maintained that she ought to have been awarded a passing grade in her written assessment. She scored an average of nine and a half points out of 15, the assessment panel members having awarded her eight and a half points, nine points, and 11 points respectively. On a careful examination of the results, the UNDT did discover errors of calculation but concluded that the various calculation errors cancelled each other out and Ms. Noberasco did not attain the 10 points needed to proceed to the next stage of the recruitment process.

¹ Impugned Judgment, para. 20.

² *Ibid.*, para. 26.

27. The UNDT also rejected Ms. Noberasco's claim that the late assessment of her test, after the interview phase had been completed, without the CRP having insight into the irregularities, and after the transmission of the memorandum recommending candidates for selection on 27 March 2017, was prejudicial in that the assessment panel might naturally have been inclined to stand by its previous decision not to invite Ms. Noberasco for an interview. The UNDT held that while errors indeed occurred during the process, in particular the failure to provide the CRP with full information of the assessment, none of these mistakes—by themselves or seen together—were of such nature to prove that any of the assessment panel members, including the Hiring Manager, were in bad faith. At most, the facts showed that the hiring manager simply misjudged the situation when not resubmitting the selection process to the CRP. It held that despite the flaws which affected the selection process, Ms. Noberasco's test did receive an objective and independent assessment.

28. The UNDT concluded as follows:³

... Despite these regrettable flaws in the selection process, the Tribunal is, however, not persuaded that had they not occurred, the Applicant would have had a foreseeable and significant chance for promotion. Most importantly, it is not clear that the Applicant's test response was not assessed on an anonymous basis, or even if it was not, how then this adversely influenced the grading of her test response. Even though the Administration might have been interested in not overturning, and potentially redoing, the entire process, the Tribunal finds that ... it would be overly speculative to conclude that any potential or actual lack of anonymity negatively impacted the assessment of the Applicant without some, even circumstantial, evidence of personal bias either against the Applicant or in favor of the successful candidate... The fact that the CRP did not review the entire process is very unfortunate, but would not in itself have changed the outcome of the grading of the Applicant's test by which she failed the written test. That the Applicant was informed about her non-selection before the final selection decision was made would, in the circumstances, only seem to have given her an advantage as it allowed her to challenge the decision at an earlier state.

... In conclusion ... none of the irregularities were of such nature that they rendered the entire process, including the non-selection decision, unlawful. ...

29. On 10 March 2020, Ms. Noberasco filed an appeal against the UNDT Judgment. The Secretary-General filed his answer on 19 May 2020.

³ *Ibid.*, para. 41.

Submissions

Ms. Noberasco's Appeal

30. Ms. Noberasco submits that the UNDT erred in finding that the proven irregularities did not taint the entire selection process and warrant the rescission of her non-selection. She argues that the UNDT, once it determined that the Administration had failed to follow the correct procedure and that the selection process lacked minimal safeguards, ought to have found that the contested decision was unlawful. Instead, the UNDT reversed the burden of proof, reached inconsistent conclusions, erred in its assessment of the evidence, and failed to address important arguments raised by Ms. Noberasco. These errors, taken collectively, she submits, materially affected the outcome of the case.

31. Ms. Noberasco requests this Tribunal to vacate the impugned Judgment, rescind the contested decision and set a reasonable amount of compensation for loss of chance for promotion.

The Secretary-General's Answer

32. The Secretary-General submits that the UNDT correctly held that none of the irregularities it had identified were of such nature to render the selection decision unlawful and, consequently, correctly dismissed the application challenging her non-selection and Ms. Noberasco has not established any errors on the part of the UNDT warranting a reversal of its decision.

33. The Secretary-General aligns with the reasoning and findings of the UNDT and requests the appeal to be dismissed.

Considerations

34. The essential question for determination is whether the UNDT erred in finding that the proven irregularities did not taint the entire selection process and warrant appropriate relief.

35. The appointment subject to review in this appeal was governed by various provisions of ST/AI/2010/3 read with ST/SGB/2011/7.

36. ST/AI/2010/3 establishes the staff selection system (the system), which integrates the recruitment, placement, promotion and mobility of staff within the Secretariat. The system provides for the circulation of job openings, including anticipated staffing needs in missions through a compendium of job openings. In terms of ST/AI/2010/3, selection decisions for positions up to and including the D-1 level are made by the head of department/office/mission, under delegated authority, once the central review body acting pursuant to ST/SGB/2011/7 is satisfied that the evaluation criteria have been properly applied and that the applicable procedures were followed.

37. Applicants applying for job openings are required to be pre-screened on the basis of the information provided in their application to determine whether they meet the minimum requirements of the job opening. The hiring manager (or other relevant official) is then required to further evaluate all applicants released to him/her and shall prepare a shortlist of those who appear most qualified for the job opening based on a review of their documentation. Shortlisted candidates are assessed to determine whether they meet the technical requirements and competencies of the job opening. The assessment may include a competency-based interview and/or other appropriate evaluation mechanisms, such as written tests, work sample tests or assessment centres. The hiring manager must then prepare a reasoned and documented record of the evaluation of the proposed candidates against the applicable evaluation criteria to allow for review by the central review body and a selection decision by the head of the department/office.

38. The central review bodies shall review proposals for filling a position-specific job opening made by the department/office or mission concerned to ensure that applicants were evaluated on the basis of the corresponding evaluation criteria and that the applicable procedures were followed in accordance with ST/SGB/2011/7.

39. Central review bodies are established in terms of ST/SGB/2011/7 to review and provide advice on the recommendations for selection of staff to the P-5 and D-1 levels in the Secretariat. They are composed of serving staff members holding appointments under the Staff Rules, other than temporary appointments, who have been recruited after a competitive process and whose rank is not below that of the level of the post for which appointment, selection or promotion is contemplated. The function of central review bodies is to advise the Secretary-General on all proposed appointments of one year or longer pursuant to the provisions of ST/AI/2010/3. They first review the recommendation for filling a specific

position to ensure that the integrity of the process was upheld, that the applications and profiles of applicants were reviewed on the basis of the pre-approved evaluation criteria and that the applicable procedures were followed. In so doing, they consider whether the recommendation of candidates is reasoned and objectively justifiable based on evidence that the pre-approved evaluation criteria set out in the job opening were properly applied; the record indicates that there was no mistake of fact or mistake of procedure, prejudice or improper motive that could have prevented a full and fair consideration of the candidates' requisite qualifications; and the record contains a fully justified analysis of each of the competencies listed in the job opening, which must be evaluated during the competency-based interview and/or other assessment methodologies for all short-listed candidates.⁴

40. When the central review body has found that the evaluation criteria were properly applied and that the applicable procedures were followed, it shall so inform the head of department/office and recommend that the head of department/office approve the proposed candidate(s) for selection. If the central review body has questions or doubts regarding the proper application of the evaluation criteria and/or the applicable procedures, it shall request the necessary information from the relevant responsible person. Once the questions are answered to the satisfaction of the central review body, it shall proceed as provided in Section 4.6 of ST/SGB/2011/7. If, after obtaining additional information, the central review body finds that the evaluation criteria were improperly applied and/or that the applicable procedures were not followed, it shall transmit its findings and recommendation to the official having authority to make the decision on behalf of the Secretary-General. In terms of Section 8.2 of ST/AI/2010/3, authority to make a selection decision with respect to a particular job opening shall be withdrawn when a central review body finds that the evaluation criteria have not been properly applied and/or the applicable procedures have not been followed.

41. The UNDT clearly and precisely identified a series of errors indicating that the recruitment process was not properly in accordance with ST/AI/2010/3 and ST/SGB/2011/7 and which adversely impacted on Ms. Noberasco's candidacy for the advertised position. However, as discussed, it found that these errors did not warrant rescission of the contested decision on the grounds that none of the irregularities were of such nature that they rendered the entire process, including the non-selection decision, unlawful.

⁴ Section 4.6 of ST/SGB/2011/7.

42. While the Secretary-General has broad discretion in matters of staff selection and promotion decisions are to be presumed regular, the Administration is required as a first step to minimally show that a staff member's candidature was given due consideration. The presumption of regularity is rebuttable. If the Administration is able to show minimally that the candidature was given a full and fair consideration, then the presumption of law is satisfied. Thereafter the burden of proof shifts to the staff member who must show through clear and convincing evidence that he or she was denied a fair chance of promotion. Absent a minimal showing of regularity, the presumption does not apply.

43. As discussed, the UNDT found that the Administration had not met its burden of minimal showing in various instances. It held that the selection process was procedurally flawed as Ms. Noberasco's job candidature was not properly assessed by a CRB; she had not received a timely notification of her application being unsuccessful; and her test was possibly not assessed on an anonymous basis. Furthermore, the UNDT accepted that the Administration might have been reluctant to re-do the process after discovering the irregularity, which, according to Ms. Noberasco, suggests there may have been a lack of impartiality or improper motives which affected the non-selection decision.

44. The flaws identified by the UNDT indisputably raise doubt about whether Ms. Noberasco was given a full and fair consideration. Nonetheless, the UNDT determined that the contested decision was lawful. The question then is whether in this regard the UNDT properly applied the principles of judicial review in non-selection cases.

45. The difficulty in this appointment arose from an unfortunate technical problem. The manner in which the Hiring Manager and the assessment panel dealt with the issue was problematic. The Hiring Manager decided first to allow Ms. Noberasco's written test to be belatedly marked and after the assessment panel failed it did not re-call the transmittal memo to the CRP, nor did she inform the CRP of the irregularity that had occurred. Thus, the CRP was allowed to proceed on the assumption that Ms. Noberasco had been properly disqualified when she was not and was given no insight into the fact that she had been evaluated subsequent to the transmittal memo being sent to it in a manner which possibly had compromised fairness and the requirement of anonymity. The CRP was thus denied the opportunity to reflect on the unusual procedure that had been followed. Had it been properly apprised of what had happened, it would most likely have reviewed Ms. Noberasco's candidature more carefully, taking account of the fact that unlike the other candidates her

test had not been graded anonymously and was evaluated subsequent to a decision to favour other candidates.

46. Although the UNDT equivocated in its conclusions with respect to anonymity, the evidence indicates that Ms. Noberasco's identity was probably known by the assessment panel at the time her test was marked. The e-mail invitation to the candidates for the written test was initially copied to the Hiring Manager and Ms. JS both of whom were members of the assessment panel and were involved in correcting the written tests. Moreover, a number of candidates submitted their tests to the Hiring Manager directly. Added to that, the incorrect disqualification and the manner of its correction possibly compromised anonymity further.

47. The principal problem with the non-selection in this case though was the fact that Ms. Noberasco's test was graded by the assessment panel after it had sent the transmittal memo to the CRP. Ms. Noberasco therefore faced the additional burden of persuading the assessment panel to move from the recommendation in the transmittal memo. The problem was compounded by the failure of the assessment panel to inform the CRP of the procedural irregularity. The candidates recommended in the transmittal memo did not suffer that fate and thus it cannot be said that all candidates received equal consideration.

48. Moreover, the manner in which the irregular disqualification was dealt with gives rise to a reasonable apprehension of partiality. The principles of procedural fairness required the assessment panel to approach all the tests equally (ideally on an anonymous basis) with a mind open to conviction. Where a panel assesses one test on a different basis to others, a reasonable perception may arise that the test was not graded with the necessary degree of impartiality. A reasonable apprehension of partiality is normally sufficient to vitiate a decision. There is no need for an applicant to show ulterior motive, bad faith or actual bias.

49. Additionally, as intimated, the CRP was denied the opportunity to fulfill its function to assess, in light of the procedural irregularity, whether the recommendations had been made fairly, impartially and in accordance with due process. Section 4.6 of ST/SGB/2011/7 obliged the CRP to review the recommendation for filling the specific position to ensure that the integrity of the process was upheld, that the applications and profiles of applicants were reviewed on the basis of the pre-approved evaluation criteria and that the applicable procedures were followed. It had also to consider whether the recommendation of the candidates was objectively justifiable based on evidence that the pre-approved evaluation

criteria set out in the job opening were properly applied and that the record indicated that there was no mistake of fact or procedure, prejudice or improper motive that could have prevented a full and fair consideration. In addition, it had to satisfy itself that the record contained a fully justified analysis of each of the competencies listed in the job opening, which were evaluated during the competency-based interview and/or other assessment methodologies for all the short-listed candidates. That did not happen in this case. The CRP proceeded on the incorrect assumption that Ms. Noberasco had been properly disqualified when she had not.

50. In the result, a mandatory and material procedure or condition precedent prescribed by the relevant empowering provisions, namely ST/AI/2010/3 and ST/SGB/2011/7, was not complied with; and thus the non-selection decision was unlawful. That these requirements are mandatory and material is confirmed by Section 4.9 of ST/SGB/2011/7 and Section 8.2 of ST/AI/2010/3, which read together provide *inter alia* that if, after obtaining additional information, the central review body finds that the applicable procedures were not followed, it must transmit its findings and recommendation to the official having authority to make the decision on behalf of the Secretary-General and the authority to make a selection decision with respect to a particular job opening shall then be withdrawn. This is what possibly could have happened in this case if the CRP had been given the correct information. In the premises, it cannot be said that Ms. Noberasco was given full and fair consideration.

51. Having reached that conclusion it is not necessary to consider whether the UNDT failed to properly assess the impact of the calculation of the scoring errors in the marking of Ms. Noberasco's test to determine if the errors cancelled each other out and whether there was consistency and equal treatment in rounding off decimal scores between all the candidates. Suffice it to say, the manner in which her test was scored also left something to be desired and the computation of her final mark might have benefited from a further review by the CRP.

52. Accordingly, the UNDT erred in concluding that Ms. Noberasco's non-selection was lawful.

53. Based on her experience, skills and qualifications, Ms. Noberasco had a significant and foreseeable chance of being selected. She was a serious contender for the post. She not only met all the requirements for the post but also all other desirable criteria. Her ability to perform higher functions at the G-7 level was recognized in unequivocal terms in her 2015-2016 ePAS which recognized that she was “ready to assume higher-level responsibilities and more independent managerial tasks”. Had the irregularity not occurred, and had she been given fair consideration by the assessment panel, there was a reasonable likelihood that she would have been invited for an interview and would have competed with four other candidates, one of whom did not meet the language requirement. She thus had a 20-25 per cent prospect of success. The evidence therefore establishes that Ms. Noberasco has suffered harm for the lost opportunity for promotion and she is accordingly entitled to compensation.

54. There is no prescribed way to set damages for loss of chance of promotion. Each case must turn on its facts. The lost chance of being selected, even if slight, has material consequences. Nonetheless, the assessment of chance is an inexact science. Thus, the United Nations Appeals Tribunal (Appeals Tribunal) must assess the matter in the round and arrive at a figure that is deemed to be equitable in all the circumstances. We hold that the sum of USD 10,000 constitutes an adequate remedy for the loss of chance which arose by reason of the prejudice suffered by Ms. Noberasco.

Judgment

55. The appeal is upheld, Judgment No. UNDT/2020/003 of the UNDT is reversed and Ms. Noberasco is awarded compensation in the amount of USD 10,000.

Original and Authoritative Version: English

Dated this 30th day of October 2020.

(Signed)

Judge Murphy, Presiding
Cape Town, South Africa

(Signed)

Judge Colgan
Auckland, New Zealand

(Signed)

Judge Sandhu
Vancouver, Canada

Entered in the Register on this 17th day of December 2020 in New York, United States.

(Signed)

Weicheng Lin, Registrar