



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2010/
007/UNAT/1585
Judgment No.: UNDT/2010/151
Date: 20 August 2010
Original: English

Before: Judge Marilyn J. Kaman

Registry: New York

Registrar: Hafida Lahiouel

OTIENO-PALA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON WITHDRAWAL

Counsel for applicant:

Juliette Levin

Counsel for respondent:

Stephan Grieb, UNICEF

Procedural history

1. On 14 March 2008, the applicant filed the application before the former UN Administrative Tribunal. On 24 September 2008, the respondent filed its answer. On 7 January 2009, the applicant filed her “Observations to the Respondent’s Answer of 22 September 2008”.

2. On 1 January 2010, the case was transferred to the Dispute Tribunal following the abolishment of the Administrative Tribunal in accordance with the General Assembly’s resolution 63/253 of 23 February 2009.

3. In Order No. 91 of 21 April 2010, the Tribunal ordered the applicant to file a jointly-signed statement outlining the issues and facts of the case by 18 May 2010.

4. On 10 May 2010, the applicant requested an extension of time of two weeks to file the jointly-signed statement pending settlement negotiations, which was granted on the same day.

5. On 28 May 2010, the applicant requested that the proceedings be suspended for an additional period of 90 days for the parties to amicably settle the case. In Order No. 134 (NY/2010) of 1 June 2010, Judge Ebrahim-Carstens (duty judge) informed the parties that compliance with filing the jointly-signed statement was suspended until 30 August 2010 by which the parties were also to inform the Registry about the outcome of the settlement discussions.

6. On 6 August 2010, the counsel for the applicant filed a “Letter of Withdrawal”, dated 28 July 2008, signed by the applicant and her counsel stating as follows:

Please be advised that pursuant to this Tribunal’s Order dated June 1, 2010, counsel for the applicant advises the Tribunal that the above captioned matter has been settled. Based in said settlement the applicant withdraws her case before this Tribunal and by such withdrawal represents that no further litigation shall proceed with

respect to the underlying issues of this case. A copy of this notice has previously been sent to counsel for respondent ...

Conclusion

7. In light of the settlement agreement, the appeal is hereby withdrawn. This appeal having been withdrawn, there is no longer any matter for adjudication before the Tribunal.

(Signed)

Judge Marilyn J. Kaman

Dated this 20th day of August 2010

Entered in the Register on this 20th day of August 2010

(Signed)

Hafida Lahiouel, Registrar, New York