



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

BEZZICCHERI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

François Lorient

Counsel for Respondent:

Jérôme Blanchard, LPAS/UNOG

Introduction

1. On 28 October 2021, the Applicant filed an application for an order for execution of Judgment *Bezziccheri* UNDT/2019/012 pursuant to art. 32.2 of the Tribunal's Rules of Procedure.
2. On 13 December 2021, the Respondent filed his reply asserting that the judgment has been fully executed because the contested decision was rescinded, and costs were paid as ordered in the above-mentioned Judgment. The Respondent also maintains that the judgment in question did not "outline a specific course of action for the Administration to take within a period of time", which is required under article 32.2 of the Tribunal's Rules of Procedure.
3. On 5 January 2022, the Applicant filed a motion for leave to add and file annex 27 to the application, which is an email exchange with the Director, Division of Healthcare Management and Occupational Safety and Health ("DHMOSH"), dated 7 and 18 December 2021, where the latter *inter alia* informs the Applicant that the Medical Board would not accept any reports or medical certificates issued or submitted after the time of sick leave certification.
4. On 17 January 2022, the Applicant filed a motion directed to the UNDT President for a fast-track hearing in execution of UNDT/2019/012.
5. On the same date, this case was assigned to the undersigned Judge.

Consideration

Applicant's motion for leave to add and file Annex 27 to the Application

6. The Tribunal grants leave for the Applicant to file annex 27. Not only the document is relevant to the discussion at hand, but the Applicant's submission merely shows her response to an email from the Director, DHMOSH, about the Medical Board which is already part of the case record (see annex 2 to the Respondent's reply).

The application for execution of Judgment Bezziccheri UNDT/2019/012

7. Having reviewed the parties' submissions and the Applicant's motion for an expedited consideration, the Tribunal considers that a case management discussion ("CMD") would facilitate the fair, efficient and expeditious management, and disposal of this case.

8. The purpose of the CMD is to:

- a. Identify the factual and legal issues to be determined.
- b. Consider what further information, if any, is required;
- c. Consider if the case may be decided based on the parties' written submissions or if a hearing should be held; and
- d. Discuss any other matter relating to the consideration and determination of the Applicant's case, including whether the parties are amenable to considering mediation.

9. In particular, at the CMD the parties are instructed to be prepared to:

- a. Further elaborate on their position about the receivability of the application;
- b. Discuss the Applicant's request for expedited consideration of her case;
- c. Brief the Tribunal on developments after the issuance of its Judgment *Bezziccheri* UNDT/2019/012;

10. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion for leave to add and file annex 27 to the application, dated 5 January 2022, **is granted**;
- b. The parties shall attend a CMD on **Wednesday, 9 February 2022 at 3 p.m. (Geneva time)**, which will be **closed to the public** and conducted virtually through Microsoft Teams; and

Case No. UNDT/GVA/2021/060

Order No. 12 (GVA/2022)

c. The parties shall provide the Geneva Registry with their contact details by **Friday, 4 February 2022 (COB Geneva time)**.

(Signed)

Judge Teresa Bravo

Dated this 26th day of January 2022

Entered in the Register on this 26th day of January 2022

(Signed)

René M. Vargas M., Registrar, Geneva