



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2009/02  
UNDT/NBI/2009/06  
Order No.: UNDT/NBI/O/2010/028  
Date: 23 February 2010  
Original: English

**Before:** Judge Goolam Meeran

**Registry:** Nairobi

**Registrar:** Jean-Pelé Fomété

ATOGO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

**ORDER ON APPLICANT'S REQUEST  
FOR STRIKE-OUT, SUMMARY  
JUDGMENT AND/OR TRANSFER OF  
CASE**

**Counsel for applicant:**  
David Andati-Amwayi

**Counsel for respondent:**  
Mr. Joerg Weich, UNON

As Judge assigned to this case I have considered the voluminous documentation as well as the Applicant's application dated 5 February 2010 to strike-out the response entered by Mr. Joerg Weich on behalf of the Respondent and to transfer the case to New York or Geneva.

Having considered the grounds in support of the application;

**IT IS ORDERED THAT:**

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1. The application to strike-out the response is refused.

**And** there being no conflict of interest;

**IT IS FURTHER ORDERED THAT:**

2. The application to transfer the case to New York or Geneva is refused.
3. The parties are to state, on or before 1 March 2010, whether they are minded to explore an alternative resolution to this dispute.
4. If not so minded, the Applicant is to present to the Tribunal, on or before 4 March 2010, a concise statement, of no more than three (3) pages, identifying the precise nature of the claim and the issues to be determined by the Tribunal.
5. On receipt of this statement the Respondents will have seven (7) days to present their concise response, in no more than three (3) pages.

6. Both parties are to state whether they consider that this case is suitable for a consideration on the documents or whether they consider that an oral hearing is necessary.
  7. The Applicant is to identify the remedy he is seeking.
  8. On the parties compliance with the above orders the Judge will give consideration to the advisability of holding a case management discussion with the parties. If so decided, this will take place on the morning of 12 March 2010.
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Judge Goolam Meeran

Dated this 23<sup>rd</sup> day of February 2010

Entered in the Register on this 23<sup>rd</sup> day of February 2010



Jean-Pelé Fomété, Registrar, UNDT, Nairobi