



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2014/032

Order No.: 048 (NBI/2015)

Date: 9 February 2015

Original: English

Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

von der SCHULENBERG

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION TO WITHDRAW AND
STRIKE**

Counsel for the Applicant:
Francois Lorient, Esq.

Counsel for the Respondent:
Stephen Margetts, ALS/OHRM
Steven Dietrich, ALS/OHRM

Procedural History

1. The Applicant was the Executive Representative of the Secretary-General (ERSG) to the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL).
2. On 5 May 2014, the Applicant filed the present Application with the United Nations Dispute Tribunal (UNDT) in New York challenging the selection exercise and decision for the position of Special Representative of the Secretary-General (SRSG) for the United Nations Support Mission to Libya (UNSMIL).
3. On 6 May 2014, the UNDT in New York issued Order No. 106 (NY/2014) transferring the matter to the UNDT in Nairobi.
4. The case was assigned to Judge Coral Shaw.
5. The Respondent's Reply to the Application was filed on 5 June 2014.
6. On 6 June 2014, the Registry of the UNDT in Nairobi wrote to the Parties seeking their views on the transfer of this matter to the UNDT in Geneva where the matter was to be heard by Judge Shaw.
7. On 12 June 2014, the Applicant wrote to Registry in Nairobi objecting to the transfer of this case to Geneva. The Applicant told the Registry that he did not believe that Judge Shaw was in a position to adjudicate this matter "impartially and objectively."
8. The Respondent did not object.
9. On 23 July 2014, the Tribunal issued Order No. 183 (NBI/2014) transferring this case to Judge Vinod Boolell at the UNDT in Nairobi.
10. On 9 February 2015, the Applicant filed the subject Motion of this decision withdrawing his Application. The Applicant informs the Tribunal that following successful mediation, all claims have now been settled so that the

Parties have agreed that “all proceedings between the Parties would be withdrawn and struck from the UNDT/UNAT Court records.”

ORDER

11. The Tribunal congratulates the Parties for having resolved this dispute *inter partes*.

12. The Tribunal hereby **RECORDS** the contents of the Applicant’s Notice and **ORDERS** that the matter of *von der Schulenberg v Secretary-General of the United Nations* (UNDT/NBI/2014/032) be struck off the Court’s docket.

(Signed)

Judge Vinod Boolell

Dated this 9th day of February 2015

Entered in the Register on this 9th day of February 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi