



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/039
Order No.: 142 (NBI/2021)
Date: 21 July 2021
Original: English

Before: Judge Agnieszka Klonowiecka-Milart
Registry: Nairobi
Registrar: Abena Kwakye-Berko

STEPANOVIC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON FURTHER SUSPENSION OF
PROCEEDINGS**

Counsel for the Applicant:
Brandon Gardner, OSLA

Counsel for the Respondent:
Nicole Wynn, AAS/ALD/OHR
Maureen Munyolo, AAS/ALD/OHR

Introduction

1. On 28 May 2021, the Applicant filed an application challenging the decision of the United Nations Regional Service Centre in Entebbe (“RSCE”) not to rollback and complete his 2018-2019 performance appraisal.¹

2. The deadline for the Respondent’s reply was on 5 July 2021.

3. On 22 June 2021, the parties moved to suspend proceedings in this case for 30 days until 22 July 2021 and to extend the deadline for the filing of the Respondent’s reply until 5 August 2021 on the ground that, the Applicant and RSCE were making good faith efforts to informally resolve the dispute.

4. On 23 June 2021, by its Order No. 126 (NBI/2021), the Tribunal granted the parties’ motion and the proceedings were suspended until 23 July 2021. The Tribunal also extended the deadline to file the Respondent’s reply to 5 August 2021.

5. On 19 July 2021, the parties filed a joint response to Order No. 126 (NBI/2021) and informed the Tribunal that they have reached an agreement in principle but they still need additional time beyond 23 July 2021 to conclude the settlement. Accordingly, the parties jointly request for a further suspension of the proceedings for 30 days, until 23 August 2021, to finalize the settlement. The parties also request for an extension of the deadline for the Respondent’s reply for 30 days from 5 August 2021 until 6 September 2021 in the event that a settlement cannot be reached.

DIRECTIONS.

6. The Tribunal makes the following **ORDERS**:

¹ Application, section V.

- i. The proceedings before the Tribunal in this matter are suspended until **23 August 2021** for the purposes of allowing the parties to informally resolve the dispute;
 - ii. If a settlement agreement is reached within this period, the parties shall inform the Tribunal accordingly without delay, and the Applicant shall subsequently confirm to the Tribunal, in writing, that his application is withdrawn, or
 - iii. If no settlement can be reached within the prescribed period, the parties shall inform the Tribunal, which will resume the proceedings in the matter.
 - iv. The Tribunal considers that the overall period afforded for negotiations will have been sufficient to reach a consensus and any further request for suspension of the proceedings will not be entertained unless exceptionally substantiated.
7. The deadline for the filing of the Respondent's reply is extended to **6 September 2021**.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 21st day of July 2021

Entered in the Register on this 21st day of July 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi