



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2015/035
UNDT/NY/2015/062
Order No.: 213 (NY/2016)
Date: 8 September 2016
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Hafida Lahiouel

AUDA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALS/OHRM, UN Secretariat

Introduction

1. The Applicant has two separate but related applications registered under Case No. UNDT/NY/2015/035 (“Case No. 2015/035”) and Case No. UNDT/NY/2015/062 (“Case No. 2015/062”).

2. On 12 July 2016, the Tribunal issued Order No. 168 (NY/2016) and Order No. 169 (NY/2016) in Case No. 2015/035 and Case No. 2015/062, respectively. The orders were identical in content. The parties were ordered to respond to a number of issues listed in the order, including whether they agree to attempt informal resolution of the matters and whether the two cases should be consolidated through an order for combined proceedings.

3. On 20 July 2016, the parties filed jointly-signed statements in both Case No. 2015/035 and Case No. 2015/062. The jointly-signed statements read:

The parties conferred on 19 July 2016. The parties agreed to attempt informal resolution of Case No. 2015/035 and Case No. 2015/062. The parties, however, were unable to agree on the modalities for attempting informal resolution, or a request for suspension of the proceedings.

4. On 21 July 2016, the Tribunal issued Order No. 177 (NY/2016) and Order No. 178 (NY/2016), directing the parties to file a jointly-signed statement in relation to each case, as per Orders No. 168 (NY/2016) and 169 (NY/2016).

5. On 28 July 2016, the parties filed their jointly-signed statements submitting, *inter alia*, that they were in agreement that the two cases should be consolidated through an order for combined proceedings, and proposing that the cases be heard on 14 and 16 September 2016.

Consideration

Consolidated proceedings

6. In view of the parties' agreement to the proposed consolidation of the two cases, the Tribunal finds it appropriate and in the interests of a fair and expeditious disposal of the two cases to subject them to an order for combined proceedings.

Settlement discussions

7. The Applicant has another matter presently pending before the Tribunal—Case No. UNDT/NY/2016/028—in which he challenges a selection-related decision. Pursuant to Order No. 211 (NY/2016) dated 7 September 2016, the proceedings in that case were suspended until 21 October 2016 pending informal settlement discussions between the parties.

8. In view of the parties' current efforts at informal resolution of Case No. UNDT/NY/2016/028, the Tribunal invites them to consider whether the two present matters could also be settled amicably.

Scheduling of a hearing

9. The Tribunal also takes note of the dates (14 and 16 September 2016) proposed by the parties for a hearing in relation to the two present cases. The undersigned Judge is not available on the dates proposed by the parties. However, the dates of 3 to 6 October 2016 (Monday–Thursday) are available on the calendar, and, in the event the parties decide not to attempt informal settlement of the two cases, they may propose any two days for a hearing on the merits in that date range. Should the parties consider that the hearing will take more than two days, they shall inform the Tribunal accordingly in their joint submission ordered below.

10. In view of the above, pursuant to art. 19 of the Dispute Tribunal's Rules of Procedure and in the interests of a fair and expeditious disposal of the case,

IT IS ORDERED THAT:

11. Cases No. UNDT/NY/2015/035 and No. UNDT/NY/2015/062 are hereby ordered to be consolidated into a combined proceeding.

12. By **5:00 p.m., Wednesday, 14 September 2016**, the parties shall file a joint submission:

a. Stating whether they agree to attempt informal resolution of Case No. UNDT/NY/2015/035 and Case No. UNDT/NY/2015/062;

b. In the event the parties do not agree to attempt informal resolution, proposing agreed dates for a two-day hearing on the merits, between **Monday, 3 October 2016 and Thursday, 6 October 2016**. The parties shall ensure availability of the proposed witnesses.

13. Following receipt of the parties' joint submission, the Tribunal will issue further orders as deemed appropriate.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 8th day of September 2016