



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2016/007  
UNDT/NY/2015/011/R1  
Order No.: 224 (NY/2016)  
Date: 27 September 2016  
Original: English

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**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** New York

**Registrar:** Hafida Lahiouel

LEMONNIER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Daniel Trup, OSLA

**Counsel for Respondent:**  
Steven Dietrich, ALS/OHRM, UN Secretariat  
Alister Cumming, ALS/OHRM, UN Secretariat

## **Introduction**

1. The Applicant is a former P-5 level Senior Administrative Officer/Supply Chain Manager, United Nations Stabilization Mission in Haiti (“MINUSTAH”). The Applicant held a continuing appointment. He has two matters before the Tribunal:

a. Case No. UNDT/NY/2016/007, concerning the decision to terminate his employment with the effective date of 31 August 2015. This case was assigned to the undersigned Judge on 14 July 2016.

b. Case No. UNDT/NY/2015/011/R1, concerning the decision not to select the Applicant for the post of Chief, Integrated Support Services (“CISS”), MINUSTAH. The case was dismissed as not receivable by the Dispute Tribunal, but it was subsequently remanded “for a consideration on the merits” by the Appeals Tribunal (*Lemonnier* 2016-UNAT-679). This case was assigned to the undersigned Judge on 24 August 2016.

## **Case management**

2. The present order is issued in relation to both cases in the interests of judicial economy.

3. On 27 September 2016, the Tribunal held a case management discussion in Case No. UNDT/NY/2015/011/R1 and Case No. UNDT/NY/2016/007.

4. The parties agree that, despite their efforts, there is no prospect of settling these cases. Accordingly, there is no need for the parties to file a statement pursuant to Order No. 210 (NY/2010) regarding the status of their settlement discussions in Case No. UNDT/NY/2015/011/R1.

5. Counsel for the Applicant stated that no hearing was needed in these cases. Counsel for the Respondent stated that the Respondent had only one witness, Leonard Otti, Chief, Career Support Unit, Field Personnel Division, Department of Field Support.

6. The parties agreed that they would provide a stipulation regarding Mr. Otti's statement of proposed evidence, following which the parties will be provided with the opportunity to file their closing submissions. The Tribunal will thereafter consider the cases on the papers before it.

7. The parties disagree as to whether these two cases should be consolidated through an order for a combined proceeding. In the event no hearing is held and the cases are decided on the papers, it is unclear whether there is any practical benefit to combining the proceedings. It appears that it would be primarily a question of the issuance of a separate judgment in each case or one judgment dealing with each of the two cases under separate subheadings.

8. Pursuant to art. 19 of the Dispute Tribunal's Rules of Procedure and in the interests of a fair disposal of the case,

IT IS ORDERED THAT:

9. Order No. 210 (NY/2016) is hereby vacated.

10. By **1:00 p.m., Friday, 30 September 2016**, the parties shall file a joint submission including:

- a. As an annex, Mr. Otti's statement, which shall contain his written declaration as to the veracity of the information included therein;

- b. A stipulation by the Applicant as to whether he accepts Mr. Otti's statement as part of the case record, without the need for cross-examination;
  - c. A written confirmation that the parties consent to the Tribunal deciding the two cases on the papers before it;
  - d. The parties' views as to whether there is any practical benefit to consolidating these two cases through an order for a combined proceeding, given that the matter will be decided on the papers.
11. By **5:00 p.m., Tuesday, 4 October 2016**, the parties shall file their closing submissions.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 27<sup>th</sup> day of September 2016